

11-18-1954

# Volume 07, 1954 Trial Transcript: State's Witnesses - Members of the Cleveland Police Department, the Sheppards' Housekeeper, Dr. Lester Hoversten

Cuyahoga County Court of Common Pleas

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(After recess, 11:00 o'clock, a.m.)

Thereupon, the State, further to maintain the issues on its part to be maintained, called as a witness ROBERT F. SCHOTTKE, who, being first duly sworn was examined and testified as follows:

DIRECT EXAMINATION OF ROBERT F. SCHOTTKE

By Mr. Parrino:

Q Will you state your name, please, sir?

A Robert F. Schottke.

Q And where do you live?

A 24744 Florence Avenue, North Olmsted, Ohio.

Q What is your occupation?

A Detective with the Cleveland Police Department.

Q How long have you been a member of the Cleveland Police Department?

A Twelve years.

Q And are you assigned to any special duty in the Cleveland Police Department?

A I am assigned to the Homicide Unit.

Q And how long have you been a detective, sir?

A Ten years.

Q How long have you been a member of the Cleveland Homicide Squad?

A Ten years.

Q Now, will you tell the court and jury, please, as to what the specific functions are of the Homicide Squad of the Cleveland Police Department?

MR. CORRIGAN: Object.

A The Homicide Unit --

THE COURT: Did you object?

MR. CORRIGAN: Yes.

MR. MAHON: Wait a minute.

THE COURT: He may say what

the functions are that he performs as a member of that squad.

MR. PARRINO: Fine.

Q Would you tell us, please, what your duties are?

A My duties are to investigate homicides, suicides, shootings, cuttings, assaults, suspicious deaths, matters of personal violence.

Q Now, I want to call your attention to the early morning of the 4th of July of this year. Were you working on that morning, Detective Schottke?

A Yes, I was.

Q What time did you start your tour of duty that night?

A We reported to the Detective Bureau about 8:15.

Q On what day?

A July 4th.

Q On the morning of the 4th?

A Yes, sir.

Q Now, did you receive an assignment that morning to go anywhere?

A Yes, we did.

Q And from whom did you receive that assignment?

A From Captain Hauschild.

Q And who is he?

A He is the Captain that was in charge of the Detective Bureau on the morning of July 4th.

Q The Cleveland Police Department?

A Yes, sir.

Q And what time did you receive that assignment?

A About 8:15, when we reported for duty.

Q And what assignment did you receive?

A We were told by Captain Hauschild that there had been a homicide --

MR. GARMONE: Object to any conversation. Let him designate the assignment without the conversation.

THE COURT: Confine your conversation to what was said about your assignment, where you were to go.

A We were assigned to assist the Bay Village Police Department in a homicide.



Q And did you go to Bay Village that morning?

A Yes, we did.

Q Were you alone?

A No, sir. I was with my partner, Detective Patrick Gareau.

Q And where did you go?

A We went to the Sheppard home at 28924 Lake Road.

Q Approximately what time was it that you arrived at the home of Sam Sheppard?

A About 9 a.m.

Q You had a police car with you, I suppose?

A Yes, sir.

Q Now, when you got there, will you describe, in a general way, the exterior of that home as you saw it from the road?

A There is a large lawn in front of the home, several trees on the lawn, driveway leading to a garage next to the home.

The home is rather large.

Q Now, where did you park your car?

A We parked our car in the driveway.

Q Did you see any people around the area there anywhere?

A Yes, there were several people in the area.

Q Where were those people?

A Some of them were on the driveway, some on the front lawn and some along the road.

Q Now, when you say the driveway and front lawn, which --

A Of the Sheppard residence.

- Q Now, I take it that you and Pat Gareau got out of the car, is that correct?
- A Yes, sir.
- Q And where did you go then?
- A We went up to the front door.
- Q And when you say the front door, what door do you refer to?
- A That's the door leading to Lake Road.
- Q That is on the south side of the house?
- A Yes, sir.
- Q And did --

THE COURT: Let's tell the officer, we refer to that as the rear door of the house. The rear is toward Lake Road and the front toward the lake. We have referred to it that way in this case so far, and I take it that is the fact.

So when you refer to that, refer to it as the rear door of the house. All right.

- Q So you entered the home then by way of the rear door?
- A Yes, sir.
- Q And did Gareau enter that home with you at that time?
- A Yes, sir.
- Q Now, as you entered the home, who was the first person that you saw?
- A Dr. Gerber.

Q And where was he when you saw him?

A He was just coming towards the front door -- or, the rear door as we were entering the home.

Q And did you have some conversation with him?

A Yes, we did.

Q And was Gareau with you at that point?

A Yes, sir.

Q Who was the next person that you saw?

A Some members of the Bay Village Police Department.

Q Now, what members of the Bay Village Police Department did you see in that home as you arrived?

A We later learned them to be Chief Eaton, Sergeant Hubach and Patrolman Drenkhan.

Q Was there anyone else in that home at that time, sir?

A There was also a Patrolman Cavanaugh.

Q Anyone else in the home at that time?

A There was Ray Keefe, the property clerk of the County Morgue, and also a Detective Grabowski of our Scientific Unit.

Q Now, was there anyone else that you recall?

A No, sir.

Q I see. Now, after you had this conversation with Dr. Gerber, what did you do next?

A I went with Dr. Gerber to the upstairs bedroom.

Q Is that the -- withdraw that.

How did you get to the upstairs bedroom?

- A We walked across the living room towards the west and made a left turn and went up the stairs to the upstairs bedroom.
- Q Now, before we get up to that bedroom, Officer Schottke, as you entered the home, did you observe anything unusual there on the floor?
- A Yes, I did, in the hallway.
- Q And what did you see?
- A There was a physician's grip that was overturned in front of a doorway.
- Q And would you describe the contents of that grip and the position of it, and so forth?
- A The grip was overturned with the contents spilled out, which consisted of a stethoscope, a few instruments, gauze bandages, several bottles, vials and a small black leather grip.
- Q Now, will you describe the grip, please?
- A The physician's grip consisted of a large compartment, and on the two sides was two other compartments which had covers over the top of them. One of the covers was snapped shut and the other cover was partly open.
- Q Now, immediately to the east of where you saw that grip there is a doorway, is that correct?
- A Yes, sir.
- Q Did you go into that room at that point?
- A No, I did not.

Q So then, as you have stated, you went upstairs with Dr. Gerber?

A Yes, sir.

Q And you went through the living room and up a stairway that was on the west of the room, is that correct?

A Yes, sir.

Q And will you describe that stairway, please?

A There is three steps leading up to the -- two steps leading up to the platform, you make a sharp left turn on the platform and there are 11 steps going up to the second floor.

The stairway is approximately three feet wide and has no carpet on the treads -- or on the stairway treads.

Q Now, will you describe the wall, please, at the base of that stairway?

A The west wall is part of a bannister going up. The east wall --

Q Is this an open or closed bannister?

A It is an open bannister. If you were walking up the stairs, you could look over and see part of the living room.

Q Yes.

A The east wall is a solid wall with a light switch at the bottom of the wall.

Q Now, immediately to the west of that staircase there, will you describe what, if any, objects are placed on the floor?

A Immediately to the west of that staircase is part of the living room, and if you would lean over the bannister, you could see a couch that was up against that wall.

Q And did you observe that couch as you went up the stairs?

A I observed it as I passed it before I started to go up the stairs.

Q And will you describe the couch and its contents?

A The couch consisted of two pillows, one pillow at the north end of the couch, one pillow at the south end of the couch leaning up against the wall; and there was a brown corduroy jacket with the upper part of the jacket against the pillow, the south pillow, and the bottom part of the jacket was overhanging the couch and it was neatly folded.

Q Now, then, you did go up to the second floor of that home?

A Yes, sir.

Q Into what room did you first go?

A Into the bedroom.

Q And will you describe what you saw in that bedroom?

A Prior to entering the bedroom, I was able to observe blood spots on the east and the north walls.

Upon entering the bedroom, to my left was a single bed and upon this bed was the body of a white female.

Q And did you later learn her identity, of course?

A Yes, I did.

Q It was Marilyn Sheppard, is that correct?

A Yes, sir.

Q Would you describe the east wall as you entered that bedroom, please?

A The east wall has a door that swings into the room, which is the entrance door to the room.

Q That would be, to make it more clear, that is the wall to the right as you enter the room, isn't that correct?

A Yes,

Q All right. Go ahead.

A There is a door that swings into the room. That door had numerous blood spots on it. Next to that door was the closet door, which had numerous blood spots on it, and then the portion of the wall which had blood spots on it.

And in the corner was a rocking chair with several garments on it.

Q And would you describe the position and appearance of Marilyn's body as you first saw it?

A The body was about a third of the way down on the bed. The head was to the south. The feet was to the north. The body was clad in a pajama top exposing parts of the breasts. The face and hair were covered with blood.

The arms were -- the left arm was resting on the body, the right arm was alongside of the body covered with a sheet. The sheet extended down over the lower

part of the body, and the knees were bent over the edge of the mattress.

Up over the knees was a crossbar from the bed. And the pajama bottom was pulled off of the left leg and was bunched at the right knee.

Q Was there another bed in that room, sir?

A Yes, sir, to the west of the bed which Mrs. Sheppard was on there was a night stand and then another bed.

Q What was the appearance of that bed?

A The bed appeared to be freshly made, nobody had slept in it. The covers were turned back, and there was a pillow on the bed.

Q Now, I think you stated there was a night stand between these two beds, is that correct?

A Yes, sir.



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Will you tell us the contents on top of that night stand?

A There was a telephone and a clock, a prescription pad, a pencil, and a wadded-up Kleenex.

Q Now, how many windows are there in that room?

A There are three windows in that room.

Q And describe the appearance of those windows, please.

A The two windows to the north, called double windows, the window to the right has no screen, the shade was pulled down all the way. The left window has a screen, the shade was pulled down to the opening of the window. The window was open approximately four inches, curtains on the window.

Q How many windows have you described, sir?

A Two. The third window faces the west, and it has curtains on it, and the shade was pulled down to the sill.

Q Now, while you were there that morning, did you make an examination of the room, sir?

A Yes, sir, I did.

Q And did you make an examination of the floor at any time?

A Yes, I did.

Q When was that? Was that the first time you were in the room?

A That was the first time I was in the room, yes.

Q Will you describe the type of examination you made of the floor?

A ~~I obtained a flashlight from one of the Bay Village~~

policemen. I got down on my hands and knees with the flashlight, searched under both beds, under the night stand, and searched the surrounding carpeting in the room.

Q And how much of the room did you examine with that flashlight from a position of being on your hands and knees?

A I examined all of the carpeting -- I was on my hands and knees all the time just to look under the beds, but I was in a stooped position to examine the other parts of the carpet.

Q Now, is there a light in that room?

A Yes, sir.

Q What was the condition of the light as to being on or off at the time you were making that examination?

A The light was on.

Q Now, after you left that room where did you go?

A I then went -- I then went downstairs.

Q Into what part of the house?

A I went down into the living room, and then from the living room I went into the den.

Q Now, during the time that you were searching through this room on your hands and knees, did you find anything that was unusual on the floor, any objects of any kind?

A No, sir, I did not.

Q Now, what did you next do?

A When I was through examining the floor, then I examined the windows.

Q In what rooms?

A In the bedroom.

Q Which one are you referring to?

A The upper bedroom, the one I had been searching.

Q What did you discover?

A I discovered that the one window to the right that faces the north was locked. The window to the left that had the screen on, the screen was undisturbed, there were no marks, there was still dust marks on the window sill, and the west window was locked and no marks on the window sill.

Q Any signs of forcible entry in that room whatsoever?

A No, sir.

Q Now, other than the appearance and condition of Marilyn Sheppard in the bed she was lying on, did you see any signs of a struggle in any other part of that room?

A No, sir.

MR. CORRIGAN: I object.

THE COURT: He may answer.

Q What was your answer, please?

A No, sir, I did not see any signs of a struggle.

Q Now, then, --

THE COURT: Change the word to

"evidence," Mr. Parrino.

You saw no evidence, you mean, of a struggle?

MR. CORRIGAN: I object to that.

THE COURT: All right, but the

Court will let it stand as it originally was.

Q What did you do next, sir?

A I went downstairs and walked through the living room and went into the den.

Q Now, as you were in the living room, will you describe what you saw there?

A In the living room against the north wall was a writing desk. This writing desk had the cover resting upon an easy chair. There were two small drawers on the top of this writing desk. The contents had been overturned and were on the lid and the top portion of the writing desk. The writing desk had four drawers underneath the lid, the top drawer was closed and the bottom three drawers were pulled about halfway out.

In front of the writing desk was scattered envelopes, writing paper, check book, sales tax stamps.

Q Now, at that time did you examine those three drawers that you stated had been pulled out, the contents of those drawers?

A I did not examine the contents, no, sir.

Q At that time?

A At that time.

Q Did you at a later time?

A At a later time I looked at them. I did not pull the drawers out or ruffle the contents.

Q But when was it that you looked at them?

A At that particular time when I noticed the secretary -- the writing desk.

Q Will you describe what you saw?

A The bottom three drawers were pulled out just about even, and the top drawer I could see into, and it was not ruffled in any manner. The bottom two drawers I had to get down on my hands and peer between the cracks of the two drawers, and the contents appeared not to be disturbed.

Q Will you tell us what, if anything, you saw on the floor there in the area of that desk that you described?

A There were papers strewn around the floor in the area near the desk, and they consisted of envelopes, writing paper, check book and sales tax stamps.

Q What did you do then?

A I then examined the windows, the door in the living room -- that would be the front door leading to the lake.

Q Yes.

A That door was open, but there was no forcible means of entry into that door. The chain lock was intact. There were no marks on the door frame. The windows on that downstairs portion of the living room were all locked. There was no

signs of -- visible signs of forcible entry of anyone of those windows.

2 Q And will you describe the back door, or the south door?

A It is a door, I would say, about three feet by six feet. It has a lock on it, and also a chain lock. The lock is part of the door mechanism. It is all in one piece.

The handle and the lock is all of one piece.

Q Will you describe the chain lock or the night chain?

A The night chain -- one part was hanging on the door jamb, the chain part. The other part was attached to the door.

Q Now, as you observed that night chain on the south door, did it appear to be disturbed?

A I am talking about the north door, Mr. Parrino, the front door.

Q Let's get to the back door now, sir.

A All right, sir.

Q Will you describe the back door, sir, or the door on the south side?

A The back door was open. The door, about the same size as the front door, had a key lock in the door with no key in it. It had a night chain on the door.

Q How high is that night chain off the floor?

A I'd say about two and a half to three feet.

Q Yes.

A The chain part was still attached to the door jamb. The

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other part, the slip part that the chain slips into was attached to the door.

Q And what was the condition of that night chain?

A It was in perfect working condition at that time.

Q Now, did you go into the den?

A Yes, I did.

Q And what did you see in the den?

A In the den was five drawers on the floor. The contents of one drawer had been spilled on the floor. Three of the drawers were to the west of the desk, the other two drawers were one piled on top of another in the southeast corner. The sixth drawer remained in the desk. On top of the desk was medical books, pipes, papers, things of that nature.

Q Will you describe what you saw on the floor, if anything, to the rear of that desk in the den?

A To the rear of the desk in the den was a green metal box which was tipped on its side. In front of this box was several tools. There appeared to be a plug wrench, hammer, some type of pins, and among these tools was a yellow gold lady's wrist watch.

Q And did you later determine ownership of that watch?

A Yes, sir.

Q And whose watch was that?

A We learned it to be Marilyn Sheppard's wrist watch.

Q Now, what did you do after that, Officer?

A Examined the windows and the doors in that room, and was unable --

Q What did you find?

A I was unable to find any forcible means of entry. The two windows were locked and the door was locked with a chain lock on it.

Q After you examined that room, where did you then go?

A I went outside for a while, conversed with Detective Gareau, and just about that time then, Coroner Gerber returned and he and I went upstairs.

Q Into what room?

A Into the bedroom.

Q And what did you do there?

A At that time the undertaker had been called and the body was moved from the scene.

Q And after the body was moved what did you do?

A I made some examinations of the other rooms upstairs. After I examined those rooms, I went -- made an examination on the outside.

Q Now, in your examination of the other rooms that you went through, did you find any evidence of forcible entry of any kind?

A The windows were all checked in the other rooms upstairs, and there was no visible means of forcible entry into those rooms.



Q Now, did you go down into the basement at that point?

A No, sir.

Q You went outside?

A Yes, sir.

Q And what did you do outside?

A Searched the area around there, and found Detective Gareau, and just about that time we left for the hospital.

Q What area did you search outdoors?

A The back yard, went down to the beach and it was down at the beach that I found Detective Gareau.

Q Now, it was at that point, I believe you stated, that a short while after that that you went to the hospital, is that correct?

A Yes, sir.

Q What time was that, approximately?

A It was approximately quarter to 11.

Q Did both of you go to the hospital?

A Yes, sir, we did.

Q And what hospital did you go to?

A Bay View Hospital.

Q Where is the Bay View Hospital located?

A On West Lake Road in Bay Village.

Q And I take it you used your police car to get there?

A Yes, we did.

Q When you and Gareau got to the hospital, what did you do?

A Prior to arriving at the hospital, we stopped at Dr. Richard Sheppard, Junior's home and had a conversation with him.

Q Where does he live?

A He lives a short distance from the hospital.

Q Does he live to the west of the hospital?

A Yes, he lives to the west of the hospital.

Q In other words, Dr. Richard's home would be between Sam Sheppard's home and the hospital, is that correct?

A Yes, sir.

Q And how long were you there talking to Dr. Richard, approximately?

A I'd say approximately 10 minutes.

Q Was Gareau there, too?

A Yes, sir.

Q And after your conversation with Dr. Richard, where did you go?

A We then went to Bay View Hospital.

Q And who did you first see when you went to Bay View Hospital?

A We walked in the door, and at the receptionist's desk there we asked the receptionist --

Q You spoke to the receptionist?

A Yes.

Q And after you spoke to the receptionist, where did you go?

A We went down the corridor to the nurse's desk.

Q And did you speak with her?

A Yes.

Q And after you spoke with her, where did you go?

A We went into Dr. Sam Sheppard's room.

Q And in what part of the hospital was his room located?

A That was on this corridor that we walked down to, at the extreme west end of the corridor.

Q Did you go into that room?

A Yes, we did.

Q And was he alone at that time?

A Yes, he was.

Q Was Gareau with you?

A Yes, he was.

Q And did you have some conversation with him?

A Yes, we did.

Q Now, about what time was it that you had this conversation with you -- withdraw that.

Approximately what time was it that you and Gareau and Dr. Sam Sheppard had this conversation?

A About 11 a.m.

Q Tell us what you said to him and what he said to you.

A We introduced ourselves, told him we were members of the Cleveland Homicide Squad, that we had been requested by the Bay Village Police Department to assist them in this homicide. We asked him to tell us everything that he knew

in regard to this matter.

Q And what did he say?

A At that time he told us that the evening before there was company over, the Aherns, and that later in the evening he had fallen asleep on the couch, and while the Aherns were still there, and that while he was sleeping on the couch he heard his wife scream, he ran upstairs --

Q Did he say where this couch was located?

A In the downstairs, in the living room.

Q Yes. Continue.

A He heard his wife scream, and he ran upstairs, and when he got into the room he thought he seen a form. At the same time he heard someone working over his wife. He was then struck on his head -- side of the head and knocked unconscious, and when he woke up he heard a noise downstairs.

He ran downstairs and he thought he seen a form going out the front door. He pursued this form down the steps, and when he got to the landing at the boat house, he does not know if he jumped over the railing or if he ran down the steps, but he half-tackled this form on the beach. There was a struggle and he was again knocked out.

When he regained consciousness, he was on the beach on his stomach being wallowed back and forth by the waves.

He then went up the stairs into the home, wandered around in a dazed condition. He went upstairs and looked

at his wife, attempted to administer to her. He felt that she was gone.

He then went downstairs again, was wandering around trying to think of a phone number. He called a number and it turned out to be Mayor Houk. Mayor Houk came over.

Later on his brother Richard came over, and he was taken to Bay View Hospital.

Q Do you recall any further conversation?

A We asked him questions after he told us his story.

Q I see. In other words, first he made a recitation to you of what happened, is that correct?

A Yes, sir.

Q And then you and Gareau asked certain questions, is that correct?

A Yes, sir.

Q And did he answer these questions?

A Yes, sir, he did.

Q Now, will you please this jury what questions you asked and what answers he made?

A We asked him how the screams sounded to him when he woke up. He said they were loud screams.

We asked him how long the screams lasted, and he stated all the while he was running up the steps.

We asked him if he was assaulted by the one he heard working over his wife, and he says, no, that he had the

impression that he was assaulted by someone else because he was assaulted just about the time he heard someone working over his wife.

We asked him how many times he had been assaulted. He said two or three times, at the most.

We asked him with what. He said with fists.

Q He said what?

A He said with fists. We then asked him if this was in both assaults, the one in the bedroom and on the beach, and he said yes.

We asked him if he could give us a description of the form that he seen running out the front door, and he stated that he was a big man, and we asked him if the man was white or colored. He said he must have been a white man because the dog always barked at colored people.

We asked him if he knew how tall the man was. He said he was bigger than what he was. He was about six foot <sup>a</sup> three. He was dressed in dark clothing, and he was/dark-complected white man.

We asked him if he had turned on any lights in the house. He stated no. We asked him if there were any lights on in the house, and he said he doesn't know, he doesn't recall.

We asked him about the beach, and he said that he was being wallowed back and forth by the waves, when he

regained consciousness on the beach, that he was stomach down.

We asked him about Dr. Hoversten. We had heard he was a house guest, and he says, yes, he was staying at the house for a few days, and then we asked him where Dr. Hoversten was at this time, and he said he had left yesterday afternoon to keep a golf engagement in Kent, Ohio.

We then asked him that we had heard rumors to the effect that Dr. Hovestern was infatuated with his wife. He said that he had heard those rumors, that they might be true, but he didn't pay any attention to them because he knew his wife was faithful to him.

We asked him if his wife had any men callers during the day while he was out.

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Q

Just a moment.

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MR. PARRINO:

Do you want that

read back, Mr. Corrigan?

MR. CORRIGAN:

Yes. The noise

outside muffles his voice.

MR. PARRINO:

Read that back,

just the end of it, please.

(Answer read by the reporter as follows:

"We asked him if his wife had any men callers  
during the day while he was out.")

A

He stated that there were several men who called during  
the day while he was out, but he didn't think anything  
of it, and we asked him if he knew the names of these men.

He stated that he could not recall them at this time.

We asked him if his wife was having any affairs with  
men, and he stated no.

We asked him if he was having any affairs with women,  
and he stated no.

At that time that was just about the extent of our  
conversation with him.

Q

And how long did that conversation last, approximately?

A

Approximately 20 minutes.

Q

Would you describe the defendant's appearance during that  
conversation?

A

He was lying there on the bed and he answered all our



questions in a normal tone. He did not ask us to repeat any questions. He answered all of the questions and spoke in a loud enough voice that we could hear. We was able to understand him.

Q And describe his physical appearance?

A He had a swelling under the right eye. There was a sort of a cotton guaze bandage around his neck, and there were no marks on him outside of the swelling to the eye, to the cheek, the right cheek.

Q Did you examine any other part of his body at that time?

A We were able to observe his legs from about better than the knee down, in other words, halfway up on the thigh.

We were able to see the upper part of his arms -- or, I mean, the forearms and the hands, and there were no marks, bruises of any kind on his arms or legs.

Q How about his hands?

A No marks on his hands.

Q After that conversation, where did you go, you and Gareau?

A We then went over to the Bay Village Police Station.

Q And did you speak to someone there?

A Yes, we did.

Q And who did you speak to there?

A There was Chief Eaton, Sergeant Hubach and Patroman Drenkhan.

Q And how long did you remain there?

A About 15 minutes.

Q After that, where did you go?

A We went back to the scene, back to the home.

Q Sam Sheppard's home?

A Yes, sir.

Q And what did you do there?

A While there we took and searched the surrounding area, made a search in the basement, searched the beach, the hillside, looking for a possible weapon.

Q Now, was there anyone else searching that hillside, sir?

A Yes. There was a group of boy scouts assisting in the search.

Q What were they doing?

A They were -- first of all, they were in the lake, up to about their waist or possibly higher searching for a weapon in the lake, and they then were searching on the hillside in back of the Sheppard home, cutting down weeds and tramping over the area there looking for a weapon or any possible evidence.

Q And was there something found on that hillside there that day?

A Yes, there was.

Q About what time was that?

A About 1:30.

Q And were you present at the time that that was found?

A No, I was not.

Q Did you later see someone with something that was found?

A Yes, I did.

Q And who was that?

A Detective Gareau.

Q Where did you see him?

A He was on the landing going down to the lake.

Q What did he have with him?

A He had a small green bag in his hand.

Q About what time was that, please?

A About 1:30.

Q Did you examine that green bag?

A The green --

Q Withdraw that.

What did you do when he showed you that?

A The green bag was opened up and we looked inside of the bag.

Q And what did you see?

A There was a man's wrist watch, a ring and a key chain with keys on it.

Q What did you and Gareau then do?

A We then went into the house and called Dr. Gerber.

Q Did Gerber come?

A Yes, he did.

Q What did you, Gareau and Gerber do?

A We then went over to the table in the living room and the contents was placed on the table in the living room and

examined by Dr. Gerber, Detective Gareau and myself.

Q What were the contents?

A A man's wrist watch and a ring and a key chain.

Q Showing you what is marked for identification as State's Exhibit No. 26, will you look at this cloth, please, and tell us if you recognize it?

A Yes, I do.

Q And what is that, please?

A That is the green cloth bag that was found on the side of the cliff.

Q And was this hole in it at the time that you saw it?

A No. There was no hole in the bag.

Q Showing you what is marked for identification as State's Exhibit 26-C, will you examine that, please, and tell us if you recognize it?

A Yes, I do.

Q What is that, please?

A This was the keys and the key chain that was found in the green bag.

Q Showing you what is marked for identification as State's Exhibit 26-B, will you look at that, please?

A This is the ring that was found in the green bag.

Q Showing you what is marked for identification as State's Exhibit 26-A, will you look at that, please, and tell us what that is?

A That is the yellow gold wristwatch that was found in the green bag.

Q And did you later determine the ownership of all of this property that I have just shown you?

A Yes, we did.

Q And to whom did it belong?

A Dr. Sam Sheppard.

Q Now, when you first -- withdraw that.

As you were in the living room, did you see what time it said on the face of the watch?

A We originally were able to determine on the stairway that the watch was face up in the bag, and we were able to determine at that time the time it said on the wrist watch.

Q And what time did it say the first time you looked at it?

A 4:15.

Q And what time did the watch say when you looked at it again there in the living room in the presence of Dr. Gerber?

A 4:15.

Q And will you state to the jury the condition of the watch as to whether it was running or stopped?

A The watch --

Q On both of those occasions?

A The watch was stopped on both of those occasions, the second hand was not sweeping around.

Q Now, did the watch remain in a stopped position or condition

the rest of that day, so far as you know?

MR. GARMONE: Object unless he knows of his own knowledge.

MR. DANACEAU: That is what he asked him.

MR. PARRINO: That was the question.

MR. GARMONE: I didn't hear the latter part of your question. I'm sorry.

A Yes. Later on that day the watch was examined and I noticed that it had started up again.

Q Now, approximately how much later was it that you examined that watch again, about?

A About three hours later.

Q And what was the appearance of the sweep hand of the watch at that time?

A The sweep hand of the watch was moving around the face of the watch.

Q Now, will you describe the appearance of the watch as you saw it there that morning?

A The watch had what appeared to be blood on the crystal.

MR. CORRIGAN: Oh, I object to that. That doesn't describe it.

THE COURT: He may say what the appearance was.

MR. CORRIGAN: How does he know whether it was blood or not?

MR. DANACEAU: He is merely stating the appearance.

MR. PARRINO: That is what he said, it appeared to be blood.

MR. CORRIGAN: What?

MR. PARRINO: He said it appeared to be blood.

MR. GARMONE: Well, unless he knew it was, I think you ought to classify it as a red substance.

THE COURT: All right. He may say what made him believe that.

Q Continue, please.

A What appeared to be blood on the crystal and on the band, it was a dark reddish color, and on the inside of the crystal and the face of the watch there were droplets of water and there was moisture collected on the underside of the face of the crystal.

Q Now, as you saw this red substance on the watch that appeared to be blood, what was the condition of that substance as to being wet or dry?

A It was dry.

Q What was done with the ring, the watch, and the key chain

after that?

A A small box was obtained and Dr. Gerber wrapped each article in an individual piece of Kleenex and it was placed in the box, the cover was put on the box and the box was placed in the green bag and left in the possession of Dr. Gerber.

Q What did you do then?

A We then went out to the lake side of the house and assisted the boys out there in furthering their search of the vicinity.

Q And how long did you do that?

A For approximately an hour.

Q After that hour, what did you do?

A Detective Gareau, myself and Chief Eaton went to Bay View Hospital.

Q Now, that morning, did you go down to the beach there?  
I think you did say that you were down there, is that correct?

A Yes, sir.

Q Did you make an examination of the pier and the steps and the area beneath that, beneath the steps, near the boat house?

A Yes. I examined underneath the boat house, examined underneath the steps, examined the retaining wall on both sides of the steps.



Q And when did you first do that?

A That was that morning, somewhere around a quarter to ten. As I was searching down there I was called upstairs, that Dr. Gerber had come back, and I went upstairs with him.

Q I see. Did you see any gloves there at that time?

A No, I did not.

Q Then what did you do -- withdraw that.

Now, coming back to the point where you had examined this green bag, you were searching the area for about an hour, what did you do after that?

A Chief Eaton and Detective Gareau and myself then went to Bay View Hospital.

Q And how did you get there?

A We drove in our police car.

Q What time was that?

A About three o'clock.

Q What did you when you got to Bay View Hospital?

A We asked to see Dr. Sheppard and we found they had moved him from the room we talked to him in the morning up to another room.

Q Did you talk to him?

A Yes, we did.

Q Who was present during that conversation?

A There was Dr. Sheppard, Chief Eaton, Detective Gareau and myself.

Q Did you speak to anyone else before you went into that room, without telling us the conversation?

A Just the nurse, to where Dr. Sheppard had been moved.

Q Then you did go into the room, is that correct?

A Yes, sir.

Q Would you state again what time that was?

A About three o'clock.

Q All right. Now, would you tell this jury what you, Gareau, and Chief Eaton stated to the defendant at that point and what the defendant stated to you?

A At that time we told Dr. Sheppard that we would like to ask a few more questions. He said all right, and we asked him at that time when he lay down on the couch to go to sleep, what clothing he had on at that time.

He stated that he was dressed in a corduroy jacket, a T-shirt, trousers and loafers.

We asked him if -- what jewelry he had on at that time. He stated his wrist watch, a ring and a key chain with keys on it.

We asked him if he knew where his jewelry was at now. He stated no.

And we then showed him the green bag which we had brought along from the house and asked him if he had ever seen that bag before. He stated it looks just like the bag in which he keeps motor boat tools.

And we asked him where this bag was kept. He stated in the drawer in the desk of his study.

We then showed him the wrist watch and asked him to identify the wrist watch, and he stated that it looks just like his wrist watch, if it is not his wrist watch.

He was then shown the ring and asked if he could identify the ring, he stated that it was his class ring.

We showed him the key chain and the keys and asked him if he could identify them, and he stated that they were his keys and his key chain.

We then asked him how the moisture and the water got into the wrist watch. He stated that a few days before, that he had been playing golf with Otto Graham, that they were caught in a heavy downpour, and at that time the water got into the crystal of the wrist watch, that it was not running properly, his wife was going to take it back to Halle's where she purchased it.

We then told him that there was blood on the band and on the crystal of the wrist watch, asked him if he could tell us how the blood got on there. He stated that he remembered that at the time that he regained consciousness in the upstairs bedroom, that he had felt his wife's pulse at the neck, felt that she was gone, and at that time he must have gotten the blood on the wrist watch, and then he heard a noise downstairs and ran downstairs.

We told him that the jewelry had been found in a green bag about halfway down the hill near the lake, asked him if he could account how the jewelry got in this bag that was found on the side of the hill.

He says he didn't know how it got there, but someone must have taken the jewelry from him at the time when he was unconscious.

We then told him that we had examined his billfold and clothing at the Bay Village Police Station, and that his billfold was still in the hip pocket.

We said, "If a burglar or someone had taken your jewelry, why didn't they take your billfold?"

He said he remembered at the time when he woke up upstairs he seen the billfold lying on the floor, and that he put it in his pocket and ran downstairs.

We then stated to him that he told us before that he had been on the beach and when he regained consciousness he was being wallowed back and forth by the waves on his stomach, since he was on his stomach, his face would be down, and that he knew as well as we did that an unconscious person can drown in as little as two inches of water.

We asked him how could he account for the fact that he did not drown. He stated that he knew an unconscious person could drown in as little as two inches of water,

but that sometimes an unconscious person can help themselves, just like a football player who could play a half a game of football and after the game was over not realize that he was playing football.

We then stated to him that he had told us previously that he had been assaulted two or three times at the most with fists, but that he was wandering around the home in a dazed condition, and if he can account why he was wandering around in a dazed condition.

He said that he was just like a football player that could be injured in a game and play a half a game of football and not know that he was playing the game.

We then asked him when he had taken off his jacket. He stated that sometime during the night he very faintly remembers waking up and being too warm and taking the jacket off and either placing it on the floor or placing it on the couch and then going back to sleep.

We told him that the jacket was found on the couch folded neatly, that if he had placed the jacket on the floor, it would still be on the floor, and that if it had been on the couch and he went back to sleep, he would have laid on the jacket and wrinkled it up.

We asked him if he had turned on any lights at any time when he was in the house. He stated no.

We then told him that we had heard that he had been

keeping company with a nurse from Bay View Hospital, that this nurse had quit Bay View Hospital, and that she was now in Los Angeles, California, and that while he was in Los Angeles several months ago and while his wife was staying someplace else he was seeing this nurse.

He stated, "That is not true.

We told him we heard that he had also given this nurse a wrist watch, and he stated that it was not true.

At that time I said, "The evidence points very strongly towards you and that in my opinion you are the one that killed your wife."

And he said, "Don't be ridiculous."

He says, "I have devoted my life to saving other lives and I love my wife."

He was then asked if he would take a lie detector test and he said yes. He asked how a lie detector worked, and we told him it takes the reaction of the respiratory system --

Q Just a minute, Bob.

MR. CORRIGAN: I can't hear you.

THE COURT: Now go ahead.

A The respiratory system and the blood pressure and the activity of the sweat pores on the palm of the hand, and that's recorded on a graph and the operator interprets the graph.

He said that due to his present condition, that he

didn't feel as though this would be a fair test and that he would not want to take the test at this particular time.

We told him that he would be able to take the test, if he wanted to, at the time when he felt better.

Q Now, is that the entire conversation, as you recall it?

A That I can recall at this time, yse.

Q Now, at the time that you stated to him that in your opinion you thought that he killed his wife -- you recall that, of course?

A Yes, sir.

Q (Continuing) And he stated to you the words -- certain words, is that correct?

A Yes, sir.

Q What were those words that he stated to you?

MR. CORRIGAN: He just stated  
them. Object.

THE COURT: What he has already  
testified to?

Q Well, let me put the question this way. Withdraw that question.

As he stated to you, "Don't be ridiculous," would you describe and state to the jury the tone of voice that he used when he stated those words?

A It was the same tone of voice in which he had answered all

our questions.

Q And would you describe the manner in which he had answered all of your questions, as to his tone of voice and as to his apparent emotional state, and so forth?

A He answered all our questions in a voice loud enough that we could hear; his voice was not raised at any time; he did not appear to be angry at any time; he talked in a rather unemotional state and we were able to hear him clearly at all times.

MR. PARRINO: I think this would be a good time to adjourn for the noon hour, your Honor.

THE COURT: Ladies and gentlemen of the jury, we will now adjourn for the noon hour and we will reconvene at 1:15 this afternoon.

In the meantime, please do not discuss this case.

(Thereupon at 12:00 noon an adjournment was taken to 1:15 o'clock, p.m.)

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Friday Afternoon Session, November 19, 1954.

Thereupon ROBERT F. SCHOTTKE resumed the stand and was examined and testified further, as follows:

DIRECT EXAMINATION (CONTINUED)

By Mr. Parrino:

Q Now, Detective Schottke, referring again to the second conversation that you had with the defendant on the 4th of July, now, was there any other conversation other than that which you have already related? Yes or no.

A There was other conversation, yes, sir.

Q Will you state to the jury what that conversation was?

MR. CORRIGAN: Where was it?

MR. PARRINO: The second occasion on the 4th of July.

MR. CORRIGAN: Now, let me see, Tom. The second conversation on the 4th of July. Is there another one on the 4th of July?

MR. PARRINO: I will make it more clear.

Q Now, you say that on the 4th of July you spoke to the defendant on two occasions, isn't that correct?

A Yes, sir.

Q What time was the second occasion, approximately?

A About 3 o'clock.

Q You have already related that conversation, the substance of that conversation to the jury, isn't that correct?

A Yes, sir.

Q And at that conversation were you, Gareau, Chief Eaton and the defendant, isn't that correct?

A Yes, sir.

Q Now, was there any additional conversation than that which you have already stated?

A Yes, there was.

Q Now, will you tell us what that was, please?

MR. CORRIGAN: When was it?

THE COURT: You mean at that  
time or some other time?

Q Was this additional conversation a part of the same conversation?

A It was part of the same conversation.

THE COURT: All right.

Q And this is conversation that you have not heretofore related, isn't that correct?

A Yes, sir.

Q All right. Tell us what that was.

A We told Dr. Sheppard that we were unable to find his T-shirt. We asked him if he had any idea where his T-shirt

was at. He stated no.

We told him that there were two teeth chips found underneath his wife's body at the time his wife's body was moved, asked him if those were his teeth chips. He said no.

But prior to asking him that question, we had asked him if he had any chipped teeth in his mouth, and he said yes. Then we asked him the question about the chipped teeth under his wife's body, if they were his, and he stated no.

We told him that his wife had been assaulted several times with some type of an instrument, yet he doesn't have any marks on him at all of an instrument, asked him how he could account for that. He stated he does not know -- he could not account for it.

Q Now, on this second conversation -- withdraw that.

Is that all the conversation that you recall?

A That I can recall at this time, yes, sir.

Q Now, on the second conversation, the defendant stated to you something about picking up his wallet from the floor in his wife's bedroom after he was rendered unconscious. You recall that?

A Yes, sir.

Q Had he stated anything to you about that wallet in the first conversation you had with the defendant that day?

A No, sir.

Q Now, you stated further at one point the defendant stated that he took his wife's pulse, is that correct?

A Yes, sir.

Q Did the defendant state how he took his wife's pulse?

A He stated that he had taken her pulse at the neck.

Q And did he state when he took his wife's pulse?

A On the first time that he told us -- he told us that two different occasions. The first time he told us that was on the first interview, when he regained consciousness on the beach that he went upstairs and took his wife's pulse at the neck, and felt that she was gone, and the second time he told us that was at the second interview when we asked him how the blood got on the wrist watch band, and he stated at that time that he remembered when he regained consciousness in the bedroom that he felt his wife's pulse at the neck and that is how the blood must have got on the wrist watch.

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Q Now, directing your attention again to the first conversation you had with the defendant, what time was that again, please?

A At about 11 o'clock in the morning.

Q Now, you have related the substance of that conversation to the jury, isn't that correct?

A Yes, sir.

Q Now, was there any additional conversation between yourselves and the defendant on that occasion which you have not already related?

A Yes, there was.

Q Would you state to the jury what that was?

A We asked him if the doors were kept locked in the house. He stated, "No, they were never locked."

We asked him if a great deal of money was kept around the house. He says, "No, just about sixty or seventy dollars."

We asked him if there was any narcotics kept in the house. He says, "No, but there may be a few samples in my desk."

We also asked him as to the condition of light and darkness at the time he woke up on the beach and he stated that when he regained consciousness on the beach it was just a little bit lighter than dark, it seemed as

though day was just starting to break.

Q I see. Is that all the conversation that you recall?

A That I can recall at this time, yes.

Q Now, that first questioning at or about 11 o'clock, that took place between you, Gareau, and the defendant, isn't that correct?

A Yes, sir.

Q Now, did any other person appear in that room at any time during that interview?

A Yes, sir.

Q And who was that, please?

A We were talking to Dr. Sheppard a little while when a man came into the room and introduced himself as Dr. Stephen Sheppard.

Q And was there any conversation between you police officers and Stephen Sheppard in the defendant's presence?

A Yes, there was.

Q Now, will you tell the jury what that was?

A We introduced ourselves, told him we were from the Cleveland Homicide Unit, we were assisting the Bay Village police investigating the crime, and that we were questioning his brother, and that we would like to question him alone.

And at that time he agreed, and he left the room.

Q And was that the only time that he appeared in that room?

A No, sir. On two or three other occasions he walked into the room while we were talking to Dr. Sheppard.

Q And did you state anything to him?

A On each occasion we told him that Dr. Sheppard was answering our questions, that we had no trouble receiving his answers, and the fourth -- about the third or fourth time that he -- it was the last time that he came into the room we asked him if he would please stay out of the room until we were through with our questioning.

Q Now, in this first interview with the defendant, at any time after he was rendered unconscious in his wife's bedroom and after he awoke, did he state that before going downstairs and seeing this form, that he went into Chip's room?

MR. CORRIGAN: Object.

THE COURT: The objection will be sustained.

Q Well, did the defendant say anything at all about Chip in the first conversation?

A Chip was never mentioned in the first or the second conversation.

Q Now, after the second conversation with the defendant, where did you go?

A We then went back to the scene.

Q And what did you do there?

A We searched the grounds again, searched the garage, upstairs of the garage and in the basement and in the general vicinity of the home.

Q And what time did you complete your duty that day?

A We left the Sheppard residence in the neighborhood of 6:30.

Q Now, did you do some work on this same matter on the 5th, or the next day?

A Yes, we did.

Q And what time did your work begin on the case the next day?

A We reported for duty to the Detective Bureau.

Q About what time?

A About 8 a.m.

Q Yes.

A We had conversation with Inspector McArthur, and we then left the Detective Bureau about 9 a.m. and arrived out to the Sheppard home about 9:30 or 9:45.

Q Did you see Sam Sheppard that day?

A Yes, we did.

Q What time was that?

A About 1:30 p.m.

Q Where did you see him?

A Bay View Hospital.

Q Who was present?

A County Detective Carl Rossbach, Detective Gareau, Dr. Sam



Sheppard, Dr. Steve Sheppard and myself.

Q And was this in Dr. Sam Sheppard's room there?

A Yes, sir.

Q And was there some conversation there?

A Yes, there was.

Q Among these people that you have described?

A Yes, sir.

Q Would you state to the jury, please, what that conversation was and who said what?

A We introduced Detective Rossbach to Dr. Sam and Dr. Steve Sheppard, and Detective Rossbach stated that he was from the County Sheriff's office, that he was sent to assist in the investigation and that he would like Dr. Sam to tell him what he knew in regards to the crime.

He asked Dr. Sam if he could give him a description of the man that he seen in the room, and Dr. Sam said that it had a light -- he had a light top on, and then asked him if he could give a description of the man that went out the front door or the one that he battled with on the beach, and he stated the man was tall, that he was heavier than he was, and had bushy hair.

Just about that time, Dr. Steve interrupted and stated that, "Due to the accusations made by the Cleveland detectives yesterday, we have hired legal counsel, and counsel has advised us not to answer any questions."

Detective Rossbach asked Dr. Steve if he could have the name of the legal counsel, and Dr. Steve said "Arthur Petersilge."

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Did you question the defendant, Sam Sheppard, on that occasion?

A

No, sir.

Q

Was there any further questioning of him in your presence on that occasion?

A

No, sir.

Q

You left the hospital then, I take it?

A

There was two more visitors came while we were in the room at the hospital prior to our leaving.

Q

And who were those visitors?

A

At that time, Mr. Corrigan and Mr. Petersilge walked in.

Q

And did either of these men say anything at that time?

A

At that time we were introduced to them, and Mr. Corrigan --

Q

You knew who Mr. Corrigan was, though?

A

I had seen Mr. Corrigan's picture in the paper, but I had never seen him in person.

Q

I see.

A

At that time Mr. Corrigan stated that he had come down as a friend of the family, and that his advice was that Dr. Sam was in no condition to be questioned, and that he would also advise Dr. Sam not to answer any questions.

Q

And were there any questions by anyone, that is to say, by any of the police officers, after that?

A

No, sir.

Q

And after that visit to the hospital, where did you go?

A We returned to the Cleveland Detective Bureau.

Q Did you see the defendant on the 6th?

A On the 6th?

Q Yes.

A No, sir.

Q On the 7th?

A No, sir.

Q On the 8th?

A Yes, sir.

Q Where did you see him on the 8th?

A In his room at Bay View Hospital.

Q Now, prior to going out to the Bay Village Hospital there on the 8th, where had you been that day?

A We had reported for duty at the Detective Bureau, and we were insigned by Inspector McArthur to go to the County Prosecutor's office.

Q And did you go to the County Prosecutor's office?

A Yes, we did.

Q And did you speak to someone there?

A Yes, we did.

Q And who did you speak to?

A We spoke to Mr. Mahon and we spoke to you.

Q And as a result of that conversation did you receive certain instructions?

A Yes, sir.

Q And after receiving those instructions where did you go?

A We went to Bay View Hospital.

Q Were you alone?

A With Detective Gareau.

Q When you got to Bay View Hospital who did you see?

A I seen Dr. Gerber, Detectives Rossbach and Yettra.

Q Where did you see them?

A We met them in the corridor at the hospital.

Q You spoke with them?

A Yes, sir.

Q Did you see Sam Sheppard on that occasion?

A Yes, sir.

Q Where at?

A In his room at Bay View Hospital.

Q And who was in that room at that time?

A Dr. Steve Sheppard and Dr. Sam Sheppard, and we -- Dr. Gerber, Detective Rossbach and Yettra, Detective Gareau and myself went into the room.

Q Was there any conversation there?

A Yes, there was.

Q Would you state what that conversation was and by whom it was related?

A Dr. Gerber told Dr. Sam that he would like to question him, and that he would like to have him questioned downtown, and that if he wouldn't come downtown, he would issue the

forthright subpoenas -- forthwith subpoenas, and Dr. Sam apparently agreed to the questioning, and he turned to Dr. Steve and he said, "Steve, what is your opinion?"

And Steve at that time --

Q Now, where was Steve at this time?

A He was sitting in a chair alongside of the bed.

Q Continue.

A At that time Steve said, "Well, Sam," he said, "you are over 21. This is your problem, something you are going to have to answer for yourself, but," he said, "I am satisfied the way the County Coroner is conducting the investigation. I am satisfied with the way Detective Rossbach and Yettra are conducting the investigation, and I am satisfied with the Bay Village Police Department." He says, "I have no objection if they question you, but," he said, "I do not think that Detectives Schottke and Gareau of the Cleveland Police Department are the type of men to question you."

Q And what else happened and what else was said?

A Just about that time, Mr. Corrigan and Mr. Petersilge walked into the room, and there was conversation between Dr. Gerber and Mr. Corrigan.

Q What was that?

A Mr. Corrigan wanted to know what Dr. Gerber was doing there, and Dr. Gerber stated he wanted to question Sam.

Mr. Corrigan stated that Dr. Sheppard was under -- in no condition to be questioned, and that if there was any questioning, he would like to be present.

Dr. Gerber --

Q Who said that, now?

A Mr. Corrigan.

Q I see. Okay. Continue.

A Dr. Gerber stated that he did not want Mr. Corrigan present at the time of the questioning, and Mr. Corrigan asked if he could confer with his client before the questioning, and it was apparently agreed on that he could converse with his client prior to the questioning, and at that time we left the room, Dr. Gerber, Detectives Rossbach and Yettra, Detective Gareau and myself.

Q I see. Now, as all of those left the room, who remained in Sam's room?

A Dr. Steve and Mr. Petersilge and Mr. Corrigan.

Q And Dr. Sam Sheppard?

A Dr. Sam Sheppard, yes, sir.

Q Now, did you see them again after that, that is to say, Mr. Corrigan, Mr. Petersilge and Dr. Steve?

A Yes, I seen them in the corridor of the hospital.

Q Now, were you permitted to question Sam Sheppard on that occasion?

MR. CORRIGAN:

I object to the question.

THE COURT:

Objection sustained.

Q Did you question Sam Sheppard on that occasion?

A No, sir.

Q So far as you know, did Detective Gareau question Sam Sheppard on that occasion?

A No, sir.

Q So far as you know, did any members of the Cleveland Police Department question Sam Sheppard on that occasion?

A No, sir.

Q When did you next see Sam Sheppard?

A On July the 10th.

Q Where did you see him?

A Here in the County Building.

THE COURT:

Where did you say?

THE WITNESS:

Here in the County

Building.

Q And he was questioned at that time, was he?

A Yes, sir.

Q Where in the building was he questioned?

A On the 4th floor in Detective Rossbach's office.

Q And by whom was he questioned?

A The first time that he was questioned, Detective Rossbach and Dr. Sam Sheppard, Mr. Petersilge, you, Mr. Parrino, Detective Gareau and myself were present.

Q And how long did that specific questioning take, that part



of it, approximately?

A Approximately an hour and a half.

Q And after that questioning, was there additional questioning?

A There was a statement obtained from Dr. Sheppard.

Q A written statement?

A Yes, sir.

Q And who was present during that written statement?

A It was Miss Bauer.

Q Who is she?

A She took -- she is one of the Assistant County Prosecutors.

She took the questioning down on the typewriter.

Q Yes.

A There was Detective Rossbach and Mr. Petersilge --

Q That is this gentleman here?

A Yes, sir. And Detectives Gareau and myself.

Q And a written statement was then taken from the defendant,  
is that correct?

A Yes, sir.

NS

TK 12

MR. CORRIGAN:

We have no

objection to it.

(State's Exhibit 48,  
being a statement, was  
marked for identifica-  
tion.)

Q Now, you state that the defendant made a statement in  
writing there on July 10, 1954, is that correct?

A Yes, sir.

Q And present at that statement were yourself, Pat Gareau,  
Rossbach, that is, Deputy Sheriff Rossbach?

A Yes, sir.

Q Mr. Petersilge?

A Yes, sir.

Q The defendant and the stenographer, is that correct?

A That's right.

Q and the stenographer, I take it, as the statement was being  
made by the defendant, was typing what was said, is that  
correct?

A That's correct.

Q Was the defendant asked to give a narrative recitation of  
certain events in that statement?

A He was asked certain questions first. First he was  
apprised of his rights and then he was asked certain  
questions, and then he was asked to give a narrative  
statement.

Q And did he make a narrative statement?

A Yes, he did.

Q And as he made the narrative statement, what was the stenographer doing?

A She was typing as he was telling it.

Q Now, before the statement was commenced, was anything said to the defendant?

A He was told about his Constitutional rights.

Q And what was stated to him?

A It was stated that questions would be asked of him and that at a later date he may be tried -- charged with the crime of murder, and that the State gives him a right to answer questions as he sees fit, and that he would answer these questions at this time even though he may be charged with murder at a later date.

Q And did he state that he would answer questions?

A Yes, he did.

Q Now, after the defendant completed his narrative recitation of certain events, what is the fact as to whether or not then specific questions were asked of him?

A There were specific questions asked of him then.

Q And did the stenographer type the specific questions?

A Yes, she did.

Q And did the defendant make answers to these questions?

A Yes, he did.

Q And did the stenographer type those answers?

A Yes, she did.

Q And this statement consists of some nine pages, does it not?

A Yes, sir.

Q And was Mr. Petersilge, the defendant's lawyer, present during this entire statement?

A He was.

Q Now, I see here -- would you look at State's Exhibit No. 48. Do you recognize that instrument, sir?

A Yes, I do.

Q And what is that instrument?

A That is the statement made by Dr. Sheppard on July 10th.

Q Now, did he sign this statement?

A Yes, he did.

Q And did he sign this statement on each page?

A Yes, he did.

Q And did the persons present, including yourself and Mr. Rossbach and Mr. Gareau and Mr. Petersilge, also sign this statement on each page?

A Yes, they did.

Q Now, I see here, as you look, for instance, on Page 3 and Page 2 of the statement, that there are certain corrections.

Do you observe those, sir?

A Yes.

Q And possibly in other parts of the statement.

Now, by whom were those corrections made?

A By Dr. Sam Sheppard.

Q And here to the left of those corrections I see certain initials. Whose initials are those?

A Dr. Sheppard's initials.

Q That's S.H.S., is that correct?

A Yes, sir.

Q And by whom were those initials made?

A By Dr. Sam Sheppard.

Q Now, during the time that this statement was taken, were there any intermissions for any purpose?

A Yes, there were.

Q And what intermissions were there and for what purposes?

A There was coffee brought in, there was milk brought in. Dr. Sam Sheppard was asked if he wanted a sandwich. He didn't want any sandwich, but he did have some coffee, Mr. Petersilge had some milk, and we had coffee.

Q Now, did you see Steve Sheppard that day?

A I did see him outside of Detective Rossbach's office in another part of the floor.

Q At the time that this general questioning was taking place?

A Oh, no, I didn't see him at the time when the general questioning was taking place, no, sir.

Q Did you see him before or after the questioning or during

the questioning at any time?

A I seen him before the questioning and after the questioning.

Q I see. And you have stated that this State's Exhibit No. 48, is the statement of the defendant, Sam Sheppard, is that correct?

A Yes, sir.

MR. PARRINO: I wish to offer  
State's Exhibit No. 48 at this time.

MR. CORRIGAN: I have no objection.  
No objection to it.

THE COURT: It will be received.  
(State's Exhibit 48  
received in evidence.)

MR. PARRINO: May we have  
Detective Schottke read that statement to  
the jury at this time, your Honor?

THE COURT: Yes.

MR. PARRINO: Before he  
commences that, your Honor, I have one point  
I wish to bring out.

Q Of course, there were various copies of this statement  
made, were there not?

A Yes, sir.

Q And what is the fact as to whether or not one copy of  
that statement was given to either the defendant or his

lawyer after the questioning?

A One copy was given to them, yes.

Q Will you read it now, please?

THE COURT: Read it slow and distinctly towards the jury so they can all hear you.

THE WITNESS: Yes, sir.

A (Reading) "July 10, 1954, 11:40 a.m. Sheriff's Office, County of Cuyahoga.

Dr. Samuel H. Sheppard you are now being questioned and may be charged with the crime of murder at a later date."

THE COURT: Just one second.

Do you all hear?

All right, fine.

A (Continuing) "The law gives you the right to make a statement if you so desire. Anything that you may say here may be used either for or against you at the time that you are brought to trial in court.

Now that you understand these facts do you wish to make a statement telling us the truth about the facts that caused your questioning at this time?

"A Yes.

"Has any drugs or medicine been administered to you within the past 12 hours?

"A Just about 12 hours ago I did have a grain and a half of seconal, which is a short-acting barbituate and should have no effect on me at this time.

"Q Is there any doubt in your mind but what you can sit here and give us a true statement of what you know that occurred in your home on the night of July 3rd, 1954? at 28924 West Lake Road, City of Bay Village, Ohio?

"A I feel that at this time I can tell all that I know.

"Q Proceed.

"A After having a difficult morning and early afternoon at Bay View Hospital where I am in charge of the accident room and the head of the Department of Neuro-surgery, I made a couple of visits and then proceeded home. I arrived home at a time later than five o'clock, realizing this because I had hoped to work in the yard with my family and found that it was too late to do so. My wife informed me that we - correction - that she had planned to get together with Mr. and Mrs. Ahern that evening. We were to go to their home for a drink before dinner and then return to our home for dinner. We realized that there were a couple of business matters involving vouchers that we should record and we did this before leaving the house. We compared notes and my wife recorded the material on the Sheppard Clinic vouchers. We soon thereafter



went down to the Ahern's and drove our larger car as I recall. The Ahern's were both working in the yard with their children and we instructed them not to stop but to continue with their work as we chatted. My son was playing with youngsters in the yard. Mrs. Ahern insisted on going inside shortly thereafter and Mr. Ahern instructed his young son how to continue the lawn mowing with their power mower. We shortly went into their kitchen and some type of mixed drinks were prepared. I am not absolutely clear in regard to the exact nature of this drink since we often have done this in the past and I could confuse one incident with another. Shortly thereafter, or after being there for a short time, I received a telephone call from the hospital in regard to a youngster that had broken his femur which is the thigh bone. I had received this call as a result of reporting their number to the hospital in regard to my whereabouts. The type of fracture was described to me and I decided that I had best go to the hospital and evaluate the situation. I asked Mrs. Ahern to find me a clove so that I could put this in my mouth and overcome any slight odor. I got into the car and proceeded to the hospital where I examined the youngster and the X-rays that had been taken. This youngster, as I recall, was visiting here and lives in an area near Youngstown. I believe it was the father with

the youngster but I am not absolutely sure. I explained that the youngster should be treated in the hospital and we hoped could soon be transported to the Youngstown Hospital which I attend in the capacity of neuro-surgeon and traumatic surgeon. I then got in my car and returned toward my home, passing it since I did" -- and the bottom of the page is signed by Carl Rossbach, Deputy; Patrick A. Gareau, Detective, Robert F. Schottke, Detective, and Arthur E. Petersilge and Samuel H. Sheppard.

"Not see signs of the Ahern's, my wife and the children. So I returned to the Ahern's home. Mrs. Sheppard shortly left to start the dinner. I and the Ahern's followed soon thereafter. I believe the children went with us but they may have run over by themselves, I really don't know. At our home Mr. Ahern and I chatted and the children played while the girls prepared dinner. The youngsters somehow evinced interest in my punching bag in the basement so I took them downstairs and placed a bushel basket under it so that they might reach the bag in order to hit it. I spent a moment or two with them showing them how it should be properly struck. I recall now that the children were fed in the kitchen before we ate. Shortly thereafter we four adults had dinner on the porch. It was quite breezy, the wind coming from the north generally, it may have been northeast or northwest but since the

porch was cool, sweaters and jackets were in order and I put on my brown corduroy jacket. The others I am not sure of what they wore. I remember that my wife had baked pie which is my favorite dessert. The other types of food I can't truly remember.

"After we had completed a leisurely dinner, Mrs. Ahern made some mention of a movie but we recognized that it was too late to attend a movie so we kiddingly suggested the television movie. The girls must have cleaned up the dishes while Mr. Ahern and I went into the front room. I am not clear on anything from dinner to the time we watched television together, but the dishes were cleared up. I think Mr. Ahern took his children home and put them to bed and my youngster must have been put to bed by my wife but I don't remember. Mrs. Ahern, my wife and I started to watch the television movie or program, I think it was a movie and as I recall now, Mr. Ahern sat over in the northwest corner of the room, that's the side toward the Lake, with a small radio turned on just loud enough for him to hear it and listened to a ball game which was in progress. The three of us watched the movie and Mr. Ahern reported the progress of the game a couple of times. He then either turned the game off or it had terminated and he came over to sit and watch television with us. My wife and I were sitting quite close in one chair and that's the

last time I recall her in a relatively normal state, clearly. Mrs. Ahern seemed to be stimulated by our apparent affection and she sat on Mr. Ahern's lap for a short while.

"Some time within the next few minutes, my wife moved to the chair next to me because the cramped position as a result of the two of us in the chair, she said strained her back. Mrs. Ahern also moved either before or after that. We chatted as the program progressed and I became tired, relatively drowsy. I moved to the couch in the living room, situated on the west wall of the staircase and the east wall of the L portion" -- and here there is a correction made and the letters "El" are crossed out and one "L" is put in there and the initials "S.H.S." on the margin.

(Continuing) -- "east wall of the L portion of the living room which protrudes toward the road. I lay down with my head toward the television in a prone position, holding my head and watching television. The television is on the north side of the room. My head was nearer the television set than my feet. It was toward the television set. There may have been a pillow helping to hold my head. I evidently became very drowsy and fell asleep. I recall wearing summer cord trousers, a" -- there is a correction there where the word "white" is made over in back of the "a" and the initials "S.H.S." on the margin --

"a white T-shirt, mocassin type loafers with no shoe strings, I am not sure of the socks. I don't know whether I did at this time or not. The next thing that I recall very hazily, my wife partially awoke me in some manner and I think she notified me that she was going to bed. I evidently continued to sleep. The next thing I recall was hearing her cry out or scream. At this time I was on the couch. I think that she cried or screamed my name once or twice, during which time I ran upstairs, thinking that she might be having a reaction similar to convulsions that she had had in the early days of her pregnancy. I charged into our room and saw a form with a light garment, I believe. At that time" --

MR. PETERSILGE:

"At the same

time."

A --"grappling with something or someone. During this short period I could hear loud moans or groaning sounds and noises. I was struck down. It seems like I was hit from behind somehow but had grappled this individual from in front or generally in front of me. I was apparently knocked out. The next thing I know I was gathering my senses while coming to a sitting position next to the bed, my feet toward the hallway."

At the bottom of the page it is signed by Patrick A. Gareau, Detective; Robert F. Schottke, Detective, Arthur E.

Petersilge, Carl Rossbach, Deputy, and also Samuel H. Sheppard.

"In the dim light I began to come to my senses and recognized a slight reflection on a badge that I have on my wallet. I picked up the wallet and while putting it in my pocket, came to the realization that I had been struck and something was wrong. I looked at my wife, I believe I took her pulse and felt that she was gone. I believe that I thereafter instinctively or subconsciously ran into my youngster's room next door and somehow determined that he was all right, I am not sure how I determined this. After that, I thought that I heard a noise downstairs, seemingly in the front eastern portion of the house. I went downstairs as rapidly as I could, coming down the west division of the steps, I rounded the" -- the two letters "El" are crossed out and one large "L" is substituted, and the initials "S.H.S." on the margin.

MR. CORRIGAN: I didn't get that,

Mr. Schottke. What was it you said?

THE WITNESS: There's two

letters, "El," that were crossed out and one

"L" substituted in its place, and the initials

"S.H.S." on the margin.

A (Continuing) -- "the L of the living room and went toward the dining table situated on the east wall of the long

front room on the lake side. I then saw a form progressing rapidly somewhere between the front door toward the lake and the screen door, or possibly slightly beyond the screen door. I pursued this form through the front door, over the porch and out the screen door. All of the doors were evidently open, down the steps to the beach house landing and then on down the steps to the beach, where I lunged or jumped and grasped him in some manner from the back, either body or leg, it was something solid. However, I am not sure. This was beyond the steps an unknown distance but probably about ten feet. I had the feeling of twisting or choking and this terminated my consciousness.

The next thing I know I came to a very groggy recollection of being at the water's edge on my face, being wallowed back and forth by the waves. My head was toward the bank, my legs and feet were toward the water. I staggered to my feet and came slowly to some sort of sense. I don't know how long it took but I staggered up the stairs toward the house and at some time came to the realization that something was wrong and that my wife had been injured. I went back upstairs and looked at my wife and felt her and checked her pulse on her neck and determined or thought that she was gone. I became or thought that I was disoriented and the victim of a bizarre dream and I believe I paced in and out of the room

and possibly into one of the other rooms. I may have reexamined her, finally realizing that this was true. I went downstairs. I believe I went through the kitchen into my study, searching for a name, a number or what to do. A number came to me and I called, believing that this number was Mr. Houk's. I don't remember what I said to Mr. Houk. He and his wife arrived there shortly thereafter. During this period I paced back and forth somewhere in the house, relatively disoriented, not knowing what to do or where to turn. I think that I was seated at the kitchen table with my head on the table when they arrived but I may have gone into the den. I went into the den as I recall, either before or shortly after they arrived. The injury to my neck is the only severe pain that I can recall. I should say, the discomfort in my neck. I didn't touch the back door on the road side to my recollection. Shortly after the Houk's arrived, one of them poured half a glass of whiskey as they knew where we kept a small supply of liquor, and told me to drink it. I refused, since I was so groggy anyway. I was trying to recover my senses. I soon lay down on the floor. Mr. Houk and Mrs. Houk went upstairs, I am not sure of their actions. Mr. Houk called the police and the ambulance, this is in my recollection, and also my brother Richard. I am pretty sure that Mr. Houk called the police station from my study because he said



'bring an ambulance' - correction - he referred to the need of an ambulance and maybe two. He also called my brother Richard. I remember my brother, Dr. Richard, speaking with me for a moment and looking at me. I believe Officer Drenkhan spoke to me and asked how I had been injured. I can't recall my reply for sure. Soon thereafter I was on the floor trying to give my neck and head some support, when Dr. Stephen Sheppard assisted me to his car, which I think was his station wagon, which as I recall, was just behind the Bay Village ambulance. I remember no other specific vehicles. I was transported to Bay View Hospital."

Signed Samuel H. Sheppard; Patrick A. Gareau, Detective;  
Robert F. Schottke, Detective; Arthur E. Petersilge; Carl  
Rossbach, Deputy.

"I related some of the incidents to Mayor Houk and one or more of the Bay Village police officers. Later in the morning I was questioned by Dr. Gerber and at another time by two officers of the Cleveland Police Department, Officers Schottke and Gareau. Later, I believe, later in the day, I was again interviewed by Officers Schottke and Gareau in the presence of Chief Eaton of the Bay Village Police Department. At this time I was asked to explain some things that I had no explanation for. I was shown a green bag, a green cloth bag looked like heavy cloth. I thought it was eight or ten inches long and five inches wide. I was asked to identify it. It looked to me like a bag that is used to carry motor boat tools. This was similar to the bag, if not the same bag, that accompanied my Johnson outboard motor when I purchased it. I was also shown a watch that I identified as mine and questioned why there was blood on the band and crystal and why it had been found in this bag with some other articles in the weeds behind my house on the bank. I am not sure but I believe Officer Schottke said that there was also a ring and keychain, also in the bag but I don't believe that he showed me these articles. I told him, as I recall, that I had attended stock car races two or three days previously with my wife, Otto Graham and his wife, and I didn't mention the children as I recall, and was caught

in a drenching rain, at which time I wore no coat or jacket but I don't think I explained this at that particular time. I since recall having inadvertently water-skied with my watch on in the past few days and had noticed a great deal of moisture in the crystal. I had commented on this to my wife and some other people, I am not sure who. My wife planned to take the watch to Halle Brothers in the near future where she had purchased it.

"I was subjected to a period of questioning, all of which I can't recall at this time but was reminded of this morning, and then the officers left.

"Q. How long had you known your wife Marilyn?

"A. Since we were in Junior High School, approximately fifteen years, or slightly more, in 1937 or 1938.

"Q. From the time you met her until you were married, did you see one another quite frequently?

"A. I would say yes, however, there was a period when she entered high school that I remained in Junior High School, that we saw each other very seldom for being sweethearts. In other words, we were not going together but still saw each other and liked each other.

"Q. When did you first begin to keep steady company with her?

"A. When we were in Junior High School, when she was

in the ninth grade and I was in the eighth grade. She was a year and a half ahead of me in school. We had a so-called affair which, as I say, became inactive when she went to high school, but was revived when I reached high school and was able to assert myself. This continued throughout high school. She, as I say, was a mid-year but she took extra courses in order to stay in high school until June of 1941. Some time during my sophomore year, I had joined a fraternity and Hi-Y and I offered her my Hi-Y pin and eventually my fraternity pin, which at that time signified going steady. During the following spring and summer, she displayed the intent to have dates with other fellows. She was staying with her grandparents out at Mentor-on-the-Lake. Early in the fall the following year, which was 1941, we resumed our former relationship. The following year I was a senior in high school and she went to Skidmore College. From that time on we considered ourselves engaged although it was not publicly announced and the fraternity pin was the only representation of this fact. This was a high school fraternity but a national organization and part of the laws of the fraternity insisted that only mothers, sisters and engaged sweethearts should wear the pin" -- signed by Samuel H. Sheppard, Carl Rossbach, Deputy; Patrick A. Gareau, Detective; Robert F. Schottke, Detective, and Arthur E. Petersilge.

-- "other than the active member himself. My freshman year in college, I joined a national college fraternity and she got that fraternity pin as soon as it was available.

"Q. When and where were you married?

"A. In 1945, I believe, February 21st, in Hollywood, California, First Methodist Church.

"Q. Where did you take up residence after you were married?

"A. In a small apartment on Sichel Street in Los Angeles.

"Q. How long did you live there?

"A. We lived there on that same street until the spring of 1951.

"Q. During the time that you lived in California, did you and your wife Marilyn have a misunderstanding whereby either one of you thought it best to part or separate?

"A. During and following my wife's pregnancy up to approximately two years following the birth of the youngster, my wife became quite jealous. This was consistent with the termination of my didactic school work and the initiation of my work as a physician, which included contact with many women, both patients and fellow workers. This jealous reaction improved steadily until she became

seemingly much more tolerant than I would consider the average female to be.

"Q. Did she ever consult an attorney in reference to your domestic difficulties?

"A. Not that I know of.

"Q. Is it true that some members of your family communicated with her, asking her to be tolerant and reconsider her action?

"A. Not that I know of, but I think that some members of her family, however, may have.

"Q. Since your removal to the State of Ohio, what has been your home life?

"A. Well, I considered it to be ideal in that she seemed to make it her business to be agreeable, tolerant and I should say, livable. However, there were times when this little jealous streak would show up but I would always reassure her and she seemed to need no further support.

"Q. Did she ever directly or indirectly accuse you of having an affair with someone else?

"A. She indirectly may have in questioning me about my whereabouts at various times and in the form of reassurance I often took her with me when possible on visits to nearby cities or even the hospital.

"Q. How would these inferences affect you?

"A. Well, they affected me in the direction of reassuring her what seemed to satisfy her and thereby produce a reversed action, whereby she would encourage me to be friendly with other women at social gatherings, whereas at other times she might have resented the same action which she had encouraged before.

"Q. Is it true, Doctor, that on several occasions, when you were discussing your marital troubles, that you flew into a rage?

"A. Absolutely not, never."

Signed Carl Rossbach, Deputy; Arthur E. Petersilge; Patrick A. Gareau, Detective; Robert F. Schottke, Detective, and Samuel H. Sheppard.

"Q. Did you ever have an affair with a Sue Hayes?

"A. I wouldn't call it an affair but we have been good friends for some time, which was known to my wife.

"Q. Had she been employed at Bay View Hospital?

"A. Yes, I don't know the exact dates. She was employed there when I initiated my work at the hospital and she terminated her work there some time last winter or early spring in 1953. She returned some time later in that year and terminated her work again at the hospital some time early in 1954. She went to California.

"Q. In what capacity was she employed at the hospital?

"A. Laboratory technician.

"Q. While at work, you had considerable contact with her, didn't you?

"A. Yes.

"Q. To what extent?

"A. She did a great deal of the technical laboratory work on all of the doctors' patients in the hospital and was the only technician practically that readily answered emergency calls on accidents or emergency surgical cases. I might also add that she was considered during her stay one of the authorities when special work was necessary.

"Q. Is it true that you socialized a lot with her?

"A. In the hospital, yes. I wouldn't call it socialized. We talked, we became good friends.

"Q. Nothing more than good friends?

"A. No.

"Q. What was the occasion for you purchasing a wrist watch for her?

"A. She was in California at the time I was there in March of 1954 and I had asked her with some of her friends to accompany me with a group of doctors and wives to a dinner, at which time or during the evening she lost her wrist watch. I paid the check for the dinner which, incidentally, amounted to more than the wrist watch was worth and knowing that she could not afford to purchase another one, I purchased one for her which was consistent



with the one that she had lost, in price range.

"Q. Did your wife Marilyn know that you were contemplating purchasing this wrist watch or did she know immediately thereafter?

"A. My wife didn't know of this until in casually discussing the trip some time during our trip home, that is, me and my wife, or after we had reached home shortly, at which time she became somewhat upset, failing to understand the intent. I wish to add, I told her of this voluntarily.

"Q. Do you own a Jaguar Sport car?

"A. Yes.

"Q. Where did you purchase it?

"A. I purchased it from M.G. Motors, which was at that time located on Lorain Road and has since been moved to Detroit Road."

Signed Arthur E. Petersilge, Patrick A. Gareau,  
Detective; Robert F. Schottke, Detective; Carl Rossbach,  
Deputy, and Samuel H. Sheppard.

"Q Do you recall the salesman's name that negotiated the transaction?

"A The only real salesman is the boss and that is Mr. Robert Lossman.

"Q Did you have occasion to meet his wife, Julie Lossman?

"A I took care of her as a patient about a year and a half ago when they were involved in an accident.

"Q Did you become very well acquainted with her?

"A As a doctor-patient relationship, yes.

"Q Now, is it true that a very close friendship resulted from this meeting?

"A I would say a close friendship with both the husband and the wife.

"Q Isn't it a fact that it developed into a love affair?

"A No, not on my part certainly.

"Q Of your own knowledge do you know whether or not there had been a discussion between Mrs. Lossman and her husband and you and your wife Marilyn, that there had been such an affair existing between you and Mrs. Lossman?

"A That is difficult to answer. My wife and I were present at a time when Mr. Lossman and his wife discussed some of their marital problems. He at this time did mention the belief that she had shown particular like to me. We merely attempted to act as referees, my wife and I.

"Q How did this affect your wife Marilyn?

"A She thereafter felt that it would be best that we not arrange frequent social affairs with the Lossman's and I agreed.

"Q How long ago was it that you decided not to see the Lossman's so frequently?

"A That was last summer in 1953 after the middle of the summer.

"Q Isn't it a fact that you have contacted Mrs.

Lossman by telephone since then?

"A I never contacted Mrs. Lossman by telephone. She contacted me always in regard to some medical problem in regard to her little girl or herself. I saw Mr. Lossman frequently at the car agency and I saw them both infrequently at gatherings of the Sports Car Club, which is a club that I am not very active in but attend functions of occasionally here in the city.

"Q Isn't it a fact that you dated Julie Lossman on several occasions?

"A Absolutely not. I know there was some rumor to that effect but it is not true.

"Q Did your wife Marilyn know of this rumor?

"A Yes.

"Q How did it affect her?

"A She made it known to me and I reassured her and agreed that we should minimize our social contacts with the Lossman's and that was all there was to it. She had no particular objections as long as we kept it on a very infrequent basis."

Signed Carl Roszbach, Deputy; Arthur E. Petersilge; Patrick A. Garea, Detective; Robert F. Schotte, Detective, and Samuel H. Sheppard.

"Q Since this agreement with Marilyn about the contacts with the Lossman's, did your wife Marilyn show

any coldness toward you?

"A No.

"Q Your home life was like an average normal couple's, had no bickerings or any petty quarrels?

"A No, because she respected my decisions on all matters.

"Q Directing your attention to the night of July 3rd, 1954, at which time your wife was murdered, are you directly or indirectly involved in this crime?

"A Absolutely not.

"Q Do you know of any reason why someone else would take her life?

"A Possibly.

"Q Will you state the possibility?

"A Well, I don't know but I have heard of individuals who are maniacal enough that when they start something, an act like that, it becomes a compulsion, a means of satisfaction like the ordinary man has from an orgasm or something of that nature. She has spurned lovers, potential lovers.

"Q How many of those potential lovers did she have?

"A Three that I know of and I am pretty sure, more. I am certain that there were more.

"Q Have you told the police about these three and revealed their identity?

"A Yes.

"Q The night of July 3d, 1954, when you reached the top of the stairs, after you heard Marilyn's outcries, you say you saw someone standing beside the bed occupied by our wife, were they standing or stooping over the bed?

"A I don't recall seeing anything from the head of the stairs, it happened so rapidly, it must have been when I entered the room and I don't know whether they were standing or stooping.

"Q Immediately upon entering this room, did you have an opportunity to make some examination of your wife?

"A No.

"Q Why?

"A Because as I told you, I seemed to be immediately engaged in grappling with someone.

"Q Do you know what portion of the body of this person you were grappling with that you had hold of?

"A I don't recall holding any portion of the body in the bedroom.

"Q You stated that you were assaulted from behind when you entered the room or" --

MR. PARRINO: Just a minute,  
please. Just a little louder and a little  
slower, please.

A

"Q You stated that you were assaulted from behind when

you entered the room or immediately thereafter?

"A I felt that I was engaged from a direction somewhere within 180 degrees in front of me and yet seemingly was struck from behind as I stated above."

Signed Robert F. Schottke, Detective; Carl Rossbach, Deputy; Arthur E. Petersilge; Patrick A. Gareau, Detective, and Samuel H. Sheppard.

"By Detective Robert Schottke:

"Q At the time you were assaulted on the beach, what was the condition as to light or darkness?

"A As I related before to Mr. Rossbach, it was just lighter than dark, it was not as dark as darkest night. There was a light seemingly starting, about the best way I can put it, as though daylight was just barely beginning.

"Q At the time when you and this man were tussling or fighting on the beach, about how many feet of beach was there?

"A I don't know.

"Q At the time when you were fighting with this man, could you feel any water in which you were fighting?

"A I can't say for sure but it seemed like the beach was firm, as though it had been washed over and packed somewhat.

"Q At the time when you woke up, will you explain

your position on the beach as to this retaining wall, how many feet you were from this retaining wall?

"A I don't know, I can't say, but I think I can say that I was between the easterly end of that retaining wall and the steps, but I cannot say how far I was north-southwise.

"Q At the time when you woke up on the beach, will you tell us as to the condition of the wind and the waves?

"A It seemed that it was somewhat windy and the waves were moderately high, I'll say too high to water ski and not too high to fish, not real high but moderately high.

"Q Is there anything else that you can tell us about this, Doctor?

"A Not that I can think of now. I wanted to say that I have come here of my own free will to help you in every way that I can to solve this tragedy and I hope that you will give me the opportunity to give you any additional information when and if I" --

MR. CORRIGAN: Pardonme. Just a minute. There has been so much noise here that that last part you read has been lost. Will you read it up louder so that everybody hears it in the jury box?

A

(Continuing) "Q Is there anything else that you can



tell us about this, Doctor?

"A Not that I can think of now. I wanted to say that I have come here of my own free will to help you in every way that I can to solve this tragedy and I hope that you will give me the opportunity to give you any additional information when and if I shall be able to remember it or find it.

"Q Have you been treated fairly during the course of this questioning?

"A Yes, absolutely.

"Q Have you read the above statement and is it the truth?"

And it is written in ink, "Yes, it is the truth."

Signed Samuel H. Sheppard; witness, Patrick A. Gareau, Detective; witness, Robert F. Schottke, Detective; witness, Arthur E. Petersilge; witness, Carl Rossbach, Deputy.

"This statement taken by Gertrude Bauer and concluded at 4:15 o'clock, p.m., Saturday, July 10th, 1954."

MR. PARRINO: I have no further questions.

THE COURT: While it is a little early, perhaps we ought to have a recess now before you start on your cross-examination.

Ladies and gentlemen of the jury, we  
will have a few minutes recess at this time.  
Do not discuss this case.

(Recess taken at 2:35 o'clock, p.m.)

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## CROSS-EXAMINATION OF ROBERT F. SCHOTTKE

By Mr. Garmone:

Q Officer, during the course of your testimony you have mentioned the names of John Mahon, Parrino, Mr. Corrigan and Mr. Petersilge. This is the first time that you have seen me in connection with this case, is that right?

A Yes, sir.

Q Now, you say you have been in the police department for a period of 12 years?

A Yes, sir.

Q And 10 of those have been spent with the Homicide Unit, is that right?

A Yes, sir.

Q So you have had a good, long time of experiences in the examination and investigation of cases that involve homicide, is that correct?

A I have had experiences, yes, sir.

Q Now, while this statement is fresh in the minds of the jurors -- I am now referring to what has been identified as State's Exhibit 48 that you have just completed reading -- what time of the day or afternoon did the examination of Sam Sheppard take place that is reduced in the statement which you have just completed reading?

A I don't --

Q What time did it first start? What time of the day was it that you started to take this statement?

A The time is on the statement, at 11:40 a.m.

Q And what time that morning did you first see Sam Sheppard in this building?

A About 9 o'clock.

Q And where?

A In Deputy Rossbach's office.

Q And who was present with him on that occasion in the office of Deputy Rossbach?

A There was Dr. Sam Sheppard, and Deputy Rossbach, and Deputy Yettra, Mr. Parrino, Detective Gareau and myself.

Q Mr. Petersilge wasn't in the room, was he?

A He was in the room originally, and then he left.

Q He was asked to leave, wasn't he?

A He left, yes, sir.

Q Well, he left, did he not?

A Yes, sir.

Q Now, what time was it that Petersilge was asked to leave the room on that morning?

A To the best of my recollection, probably about 9:15, 9:30.

Q Between the hours of 9:15 and 9:30, until the time that this statement that you have just finished reading was reduced to writing, Sam Sheppard was in that room alone with you, Tom Parrino, Gareau, Yettra and Rossbach, is that

correct?

A Yes, sir.

Q And he was subjected to an examination that took about two and a half to three hours, isn't that a fact, Officer Schottke?

A He was not being questioned all that time.

Q But he was being subjected to an examination at that time, was he not?

A Not all of that time, no, sir.

Q Well, about how much of the time would you say was spent in the course of examining this young man before he was taken and this statement was reduced to writing?

A I'd say about two hours.

Q And during that examination, isn't it a fact that Mr. Parrino was the one -- was the gentleman who was putting the questions to Sam and Sam was answering them?

A Not all of the questions, no, sir.

Q Well, who was it participated in the examination?

A Detective Rossbach asked some questions.

Q Yes.

A And Detective Gareau asked some questions. I asked some questions.

Q And who else?

A And Mr. Parrino asked some questions.

Q Then you all took a shot at him at that time, is that

correct?

MR. MAHON: Object to that.

MR. PARRINO: Object to that.

Q Well, then you all took a crack at the examination while he was in that room, is that correct?

MR. MAHON: Objection.

MR. DANACEAU: Objection.

MR. PARRINO: Objection.

THE COURT: Objection will be sustained.

Q Well, then, did you all participate in the examination?

A Yes.

Q And that was not in the presence of Petersilge, was it?

A No, sir.

Q It was not in the presence of Dr. Steve Sheppard, was it?

A No, sir.

Q It was not in the presence of Mr. Corrigan, was it?

A No, sir.

Q And there was no one there who is associated today with the defense of Sam Sheppard, in that room, was there?

A No, sir.

Q Did you make any records of the statement that was taken at that particular time?

A On the initial questioning?

Q Yes.

A No, sir.

Q Was there a stenographer brought in to take the questions and answers that were put to Sam Sheppard by you, by Mr. Parrino, Mr. Gareau, Mr. Rossbach or Mr. Yettra at that time?

A No, sir.

Q Did you at any time, from that day until this, submit to Sam Sheppard anything in writing that was said at that particular examination for his approval or disapproval?

A Did I submit anything to --

Q Did you, yes?

A No.

Q Do you know now, of your knowledge, whether there were submitted anything in writing by Gareau, Yettra, Rossbach, Or Parrino, of what the contents of that examination consisted of, to Sam Sheppard?

A From my own knowledge, I don't know what the other gentlemen done.

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Q Now, after that examination had been concluded, did you make a request of Sam Sheppard at that time? Did you ask him something?

A (No response.)

Q To refresh your memory, did you say to him, "Are you willing to have a stenographer called in?"

A I don't recall making that statement.

Q Was the statement made in your presence?

A If there was such a statement made, I don't recall it, to my knowledge.

Q And wasn't the answer that Sam Sheppard gave to that inquiry, he said, "I'm willing to have a stenographer called in?"

Did he say that to you or to anybody else that was there at that time?

A He must have been willing because a stenographer was called in.

Q You say he must have been willing. Now, you have made reference throughout the entire examination in your direct testimony about a stenographer.

The person you mean is Gertrude ~~Bauer~~, is that right?

A Yes.

Q Gertrude Bower is not a stenographer in the Prosecutor's office, is she, Officer Schottke?

A No.



Q She is an assistant prosecutor, is she not?

A Yes.

Q And she is active in the trial of cases in this court, is that correct?

A Not from my own knowledge.

Q Not from your own knowledge. Now, while this statement was being taken, there were one or two interruptions by Mr. Petersilge; is that a fair statement to make?

A I don't know what you mean by interruptions.

Q Were there any interruptions -- I will put it that way -- by any person in that room while this statement was being taken?

A Yes. We stopped for coffee, milk, to see if anybody wanted any sandwiches.

Q Was there any interruptions that were caused by Mr. Petersilge?

A To the best of my recollection, in some of the questionings -- questions he wanted them rephrased and possibly a couple of points cleared up.

Q And when he made that request, didn't Mr. Rossbach state in your presence, "I think that that's a fair request and it should be done"?

A I don't recall that.

Q Well, you wouldn't say at this time, would you, Officer Schottke, that that statement wasn't made by Deputy Sheriff

Rossbach?

A It could have been made, but I don't recall it.

Q You don't recall it. Now, what time was it first called to your attention that you should dispatch yourself to 28924 West Lake Road? That's the home of Sam Sheppard.

A About 8:15 on the morning of July 4th.

Q What time, Officer, if you know, did the call come into the Cleveland Police Station asking for assistance by the Bay Village Police of the Cleveland Police officers?

A I don't know.

Q Did you check the records?

A No, sir, I did not.

Q Have you ever checked the records?

A In regards to the call?

Q Yes.

A No, I have not.

Q Has it been called to your attention that the call came in at about 6:15 that morning?

A No, sir.

Q Has it been called to your attention that when the call first came in, that the officer who called the Cleveland Police Department was told by Captain Haushoot, is it?

A Hauschild.

Q -- Hauschild that he would have to wait until the next shift came on duty?

A I know nothing about it.

Q You know nothing about that. After receiving this call, I believe you said you talked with Inspector McArthur for a few minutes, is that right?

A Not on July 4, no, sir.

Q Did you go immediately to the Sheppard home?

A We talked to Captain Hauschild first.

Q And then you and Gareau got in your car and went out to the Sheppard home, is that right?

A Yes, sir.

Q What time did you first arrive at the Sheppard home?

A Approximately 9 a.m.

Q And you went in the door that's closest to the road side of the house?

A Yes, sir.

Q That would be, as we classify it here, the back door?

A The back door.

Q And who was the first person that you encountered when you walked inside that house?

A Dr. Gerber.

Q And where was he at that time?

A He was just about to come out of the door as we were going in the door.

Q And then did the two of you or three of you go back into the home?

A Yes, sir.

Q And what was the first place in that house that you three men went to after your arrival?

A To the living room.

Q And how long did you remain in the living room?

A Possibly two or three minutes while we were conversing with Dr. Gerber.

Q About two or three minutes. And then where did you go after you remained in the living room for a period of two or three minutes?

A We went upstairs.

Q And after you got up to the second floor of this home, which room was the room that you first went into?

A The room in which Marilyn Sheppard was in.

Q And who went in with you?

A Dr. Gerber, Detective Gareau and myself.

Q Was there anybody from the Bay Village Police Department there at that time?

A Not that I recall at that time.

Q And how long would you say you remained in that room on that occasion?

A I remained there with Dr. Gerber, Detective Gareau remained there a short time and then went downstairs, and I remained there a while with Dr. Gerber and Patrolman Drenkhan came up and Dr. Gerber left.

Q How long did you remain in the room?

A I'd say approximately 20 minutes to a half hour.

Q And during the course of time that you were in that room, you made this investigation that you testified to on direct examination, is that right?

A Yes, sir.

Q About the windows, the position of the curtains?

A Yes.

Q And the observation of the blood on the doors?

A Yes, sir.

Q The closet door and the door that led into the bedroom, is that correct?

A Yes, sir.

Q Now, when was it that you made the examination that you described while you were on your knees?

A It was during that time that I was in the room.

Q Now, when that examination was conducted, which side of the bed were you on?

A I was on all sides of both beds.

Q Of both beds?

A Yes.

Q And you used your flashlight?

A I borrowed a flashlight from one of the Bay Village policemen.

Q And threw the flashlight under the beds, is that right?

A On my hands and knees and with the flashlight, looking under the bed.

Q Under the bed. You at no time crawled under those beds, did you, Officer Schottke?

A No, sir.

Q And from the examination that you made by observation with this flashlight, your answer in response to a question that everything that you saw there was negative, you found nothing?

A I found nothing that I --

MR. DANACEAU: I didn't understand the question, your Honor.

MR. GARMONE: Well, he understood it. He answered it. He said he found nothing.

Q You found nothing under the bed that contained Marilyn Sheppard's body?

MR. MAHON: That contained her body, you said?

MR. GARMONE: That her body was on. Pardon me.

THE COURT: That's the English language.

MR. GARMONE: That's right. That her body was on.

A I don't understand your question.

Q Well, you looked under the bed?

A That's right.

Q Where Marilyn Sheppard was, is that right?

A That's right.

Q You found nothing under that bed?

A No, sir.

Q Then you looked under the empty bed that was in that room,  
is that correct?

A Yes, sir.

Q And you found nothing under that bed?

A No.

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Did you make any further examination at that time of the room, or did you leave the room?

A No, I looked the rest of the carpet over in a stooped position with the flashlight, examined the windows to see if they were still locked.

Q Yes.

A Things like that.

Q Now, after you had completed this examination where was the next place you went to?

A I went downstairs and looked around the living room.

Q And what did you see in the living room?

A The secretary -- the writing desk up against the north wall had been disturbed; two small drawers that -- the lid was down, the two small drawers that were in there overturned, the third drawer was still in place.

Q Yes.

A Papers had scattered over the lid.

Q Now, these papers you speak of, what portion of that living room were they in?

A Well, there were papers in three different portions of the living room.

Q Well, describe to the jury the papers that you first saw in the living room.

A The papers that were on the floor in front of the writing desk --



Q And that would be on the north side of the room, is that correct?

A Yes.

Q And were they east or west of the writing desk?

A I'd say just about the center of the writing desk, possibly a little bit to the east.

Q And then where were the other strewn papers that you saw after you made that observation?

A There was some other papers on the easy chair which the lid of the writing desk rested on.

Q And where else did you notice strewn papers in the room?

A On the writing portion -- or the lid and the inner portion of the writing desk.

Q Now, was Grabowski there at that time?

A Yes, he was.

Q Did he take a picture of those papers?

A I didn't see him take pictures.

Q Did you instruct him to take a picture of the papers?

A No, sir.

Q Well, you went there more or less as the chief investigating officer with Gareau for the Cleveland Police Department, didn't you?

MR. PARRINO: Objection. He didn't say that.

THE COURT: Well, he may say whether

he did or didn't.

Q Did you?

A No, I did not.

Q Well, who was in charge? Were you in charge or was Gareau in charge?

A Neither one of us were in charge.

Q You both had the same amount of authority?

A Yes, sir.

Q And you didn't instruct Grabowski at that time to take any pictures of the strewn papers on the floor that you observed, did you?

A I learned from Grabowski --

Q No. Did you instruct him?

A No, I didn't instruct him.

MR. PARRINO: Just a moment, please.

Let him finish his answer.

MR. GARMONE: I will follow that up.

MR. PARRINO: I know you will follow that, but let the man finish.

THE COURT: He was not beginning

to answer the question. He has answered it now.

Q Were you going to say to me that you later learned that Grabowski had taken pictures of the pictures that were on the floor?

A I talked to Grabowski and I learned that he had taken all

the photographs that were necessary.

Q Did you ask him at that time whether he had taken the pictures of any of the strewn papers that you have described being in three different portions of that living room? You didn't, did you?

A I did, yes.

Q And what did he say?

A He said yes.

Q He said he had. Now, you went back there on the 5th, is that right?

A 5th of July?

Q Yes. July.

A Yes.

Q Those papers were in the same position that you saw them on the 4th?

A As far as I can recall.

Q You went back there on the 7th, did you?

A No, sir.

Q When was the next time that you went to that home?

A On the 8th.

Q The papers were in the same position that you had seen them on the 4th when you made your observation?

A I don't know.

Q Were they still there?

A There were papers there.

Q Well, tell the Court and jury if it isn't a fact that they were the same papers that you had observed on the 4th of July?

A They could have been the same papers, yes, sir.

Q You didn't order those papers taken down to Grabowski's office to determine whether any fingerprints could be taken off them, did you?

A I had no authority to order them down there.

Q Did you order him to take those papers down to the ballistic room to determine whether there was any fingerprints on the papers that you saw strewn around there on the 4th, 5th and 8th of July?

A I had no authority to order Grabowski to do that.

Q Will you answer my question, please?

THE COURT: You can answer that  
yes or no.

A No, I didn't.

Q And you know now, as a matter of fact, that that request was not made in your presence by your fellow-officer, Gareau, was it, Schottke?

A It was not made in my presence, no, sir.

Q Now, after you had made this observation in the living room, describing the papers that you had seen, where did you next go?

A Into the study.

Q Now, how long would you say that you remained in the living room on the occasion of July the 4th?

A There was many times I was in the living room.

Q Well, how long on the particular time that you saw these papers on the floor at three different places about the living room?

3 A Approximately 10 minutes.

Q Did you make any other observation in the living room at that time other than the papers?

A I don't recall if I made any other observation at that time or not.

Q Well, then, can we assume that the 10 minutes that were spent in there was spent in the observation of the strewn papers about the floor and the desk?

A Yes.

Q Now, after that observation was completed, you say you went into the den?

A Yes.

Q Did Gerber go into the den with you?

A He was not there at that time.

Q He was not there at that time?

A To my knowledge.

Q Well, when you had come down from the bedroom that contained Marilyn's bed, was Gerber on the premises, to your knowledge, at that time?

A Not to my knowledge, no, sir.

Q Now, you went into the den. Who was in the den with you?

A Chief Eaton, Sergeant Hubach.

Q Anyone else?

A Not that I can recall at this time.

Q What did you do in the den at that time, if anything?

A Made an examination of the den, noticed the drawers, the condition they were in.

Q Did you touch anything?

A Touched nothing.

Q What was the condition of the drawers?

A One drawer had been tipped over, the contents tipped out of the drawer. Two drawers were lying on the floor, the contents in the drawers not disturbed.

Q Yes.

A There were two more drawers in the southeast corner of the den, one piled on top of the other, the contents not disturbed. Six drawers still remained in the desk. In front of the desk were some tools, a green tool box, and a lady's yellow gold wrist watch.

Q Now, as you walked into the den, was there anything in that hallway that drew your attention?

A Yes. The medical grip.

Q Where was it located?

A Just -- in the hallway almost in front of the door leading

into the study.

Q And what was the condition at that time that you first observed the medical grip?

A When we first walked into the house, that was the first thing you could see.

Q Was the medical grip?

A That's right.

Q Well, what was the condition of it when you made a more complete observation than the observation you made when you first walked into the house?

A The medical grip was tipped on the side; the contents were lying in front of the grip.

Q Now, you went back on the 5th, is that right?

A To the Sheppard home?

Q Yes.

A Yes, sir.

Q Then you went there again on the 8th?

A On the 8th, yes, sir.

Q And the medical grip was in the same position, was it not?

A As far as I can recall. I don't know for sure.

Q But it was there in the hallway?

A I don't know for sure.

Q Well, would you say that it was not there?

A I wouldn't say it was not there. I don't know.

Q You don't know. You didn't take the medical grip to the

ballistic department of the Cleveland Police Department, or division of the Cleveland Police Department, to determine whether there were any fingerprints on it that may have aided you in the investigation of this case, did you, Officer Schottke?

MR. PARRINO:                      Objection.

THE COURT:                      Yes. Let's not ask what he didn't do. Let's find out what he did do.

Q       Well, did you take the medical grip to the ballistic division of the police department at any time during the course of your investigation?

A       No, I did not.

Q       And, as a matter of fact, you didn't take any of the tools that were strewn around the medical grip, to the ballistic division of the Cleveland Police Department, did you?

A       I took none of the contents of the medical grip, no, sir.

Q       Or any of the contents that were around the medical grip, did you?

A       No, I didn't.

Q       Well, do you think that that was the proper investigation?

MR. MAHON:                      Objection to what he thinks about it.

MR. GARMONE:                      Well, he is an experienced police officer.



MR. MAHON:

What did he do?

THE COURT:

Objection will be

sustained.

Q Now, after you had made this observation of the den, did you remain on the Sheppard property in or outside?

A Until about 11 o'clock.

Q Well, from the time that you had left the den until 11 o'clock, where did you go?

A Part of the time I was back in the living room, part of the time I was back upstairs, part of the time I was in the yard, part of the time on the beach.

Q And you conducted a search in and around the beach, is that right?

A Yes.

Q Conducted a search in and around the yard, is that right?

A I searched. I didn't conduct a search.

Q Well, I mean you searched?

A Yes.

Q Now, hadn't you searched the point where it was pointed out to you by the Houk boy where this green bag was found earlier before he had found the bag?

A I didn't know the Houk boy, never met him.

Q Well, did he turn a bag over to you that day?

A No, he didn't.

Q Did he turn it over to Gareau in your presence?

A Not in my presence, no, sir.

Q Did he at any time on the 4th day of July point out to you a spot where he allegedly found this bag?

A No, sir.

Q He did not?

A (Witness nods negatively.)

Q Well, when the bag was found was it called to your attention?

A Yes.

Q And you didn't make any inquiries where it was found?

A Yes, I did.

Q Who to?

A Detective Gareau.

Q And did he show you the point where it was found?

A Yes, he did.

Q Hadn't you searched that particular area prior to the finding of that bag?

A No, sir, I had not.

Q You had not?

A No, sir.

Q Now, coming back to the time that you went upstairs, you stated on direct examination that you went by the way of the front room, is that right?

A Is that the first time I went upstairs?

Q The first time.

A That's right.

Q That would take you around the L-shape of that room, is that right?

A Yes, sir.

Q And when you passed a point of the L you observed a couch?

A Yes, sir.

Q What was the first time that morning that you observed that couch?

A It was the first time when I walked upstairs.

Q What time of the day was that?

A It was shortly after 9 o'clock when we arrived.

Q So the coat that you have described as having been folded on that couch, you, of your own knowledge, don't know how it got there, do you?

A At that particular time, I don't know.

Q You didn't know. And you, of your own knowledge, at that particular time don't know whether anyone had handled the coat or not, do you?

A At that particular time, I didn't know.

Q What was done with the coat, aside from the picture that was taken of it?

A To my knowledge, the coat was left in its original position.

Q And was it there again on the 5th?

tk 16 A To the best of my knowledge, it was.

Q Was it there again on the 8th?

A To the best of my knowledge, it was.

Q Now, anytime in your presence, did Grabowski sprinkle anything on that coat that would bring out -- that would preserve any fingerprints that may have been on that coat?

MR. PARRINO: I object to that,  
your Honor.

THE COURT: Yes. The objection  
will be sustained.

Q Well, do you know, Officer Schottke, whether Grabowski, after taking the picture, had used the powder -- I don't know the scientific name of the powder -- that would preserve any foreign substance that might be on that coat? Do you know of your own knowledge whether he did that?

A From my own personal knowledge --

Q Yes.

A -- I do not know.

Q And can you now tell this court and jury, from your own personal knowledge, whether that coat was ever taken to the Bertillon or the Ballistic Division of the Cleveland Police Department?

A I don't know.

Q You don't know?

A No, sir.

Q And you from that day until this day have made no effort to find out, have you?

MR. DANACEAU: Object.

MR. PARRINO: I object to this,

Your Honor.

THE COURT: Objection sustained.

Q Now, when you went upstairs -- on the first occasion, I am talking about, that brought you around to the L part of the living room, those were the steps that you used to go upstairs in the room where Marilyn's body was found, is that right?

A Up those stairs, yes.

Q Up those stairs. The first three steps I think you said and then eleven steps up to the top of the second floor, is that correct?

A Yes, sir.

Q Mr. Parrino asked you a question on direct examination and your answer was that you would have to lean over the rail to see the couch. That was the correct answer, wasn't it?

A Could I clarify that answer now?

Q Well, was that your answer to Mr. Parrino, that you had to lean over the rail to see the couch? Was it or was it not?

THE COURT: The question is:

Did you say that in answer to Mr. Parrino?

MR. GARMONE:

I would like to

have a yes or no answer.

A I recall that that's what I said.

Q That's what you said. Now, you say you left the premises about 11 o'clock?

A Yes.

Q That would put you in and around the Sheppard home from a period of about -- let's take the hour of 9:15; you said it was between 9:15 and 9:30, but we'll put it at 9:15.

A We arrived there at 9:00.

Q 9:00?

A Yes, sir.

Q All right. You were in and around the Sheppard home, then, between the hours of 9:00 a.m. to about 11:00 a.m., is that right?

A I would say until about 10:45.

Q 10:45. So that would give you about an hour and 45 minutes?

A Yes, sir.

Q Is that correct?

A Yes, sir.

Q During that period you were only in the bedroom on one occasion, is that right?

A No, sir.

Q How many times?

A I was there on the second occasion when Dr. Gerber returned.

Q When Dr. Gerber returned. Did he return before you had left for the hospital?

A Yes, he did.

Q Now, when Dr. Gerber returned, was the body of Marilyn Sheppard still at 28924 West Lake Road?

A Yes, it was.

Q And what time did he return, about?

A Somewhere around 9:45 to 10:00.

Q And how long would you say you spent in that bedroom, then?

A Possibly 15 minutes.

Q Did you conduct the same type of inspection or investigation of the room on that occasion that you described that you did on the first occasion?

A No, I didn't.

Q Now, in response to one of Mr. Parrino's questions, he asked you about the clothing that Marilyn had on; do you recall that?

A Yes, sir.

Q And you described the upper portion of her pajamas, do you recall that?

A I said it was --

Q The position of them?

A Yes.

Q And then you described the position of the lower portion of

her pajamas, do you recall that?

A Yes.

Q And you said that her -- which leg was it that was bare?

A The left leg.

Q The left leg. And am I right in recalling your testimony that the pajama leg of the left leg was over on the -- about the right knee of Marilyn's -- or, about Marilyn's right knee?

A That's right.

Q You saw that?

A Yes, sir.

Q When did you take the sheet down that made that observation possible to you?

A I didn't take the sheet down.

Q Who did?

A Dr. Gerber.

Q When?

A At the time the body was going to be moved.

Q Had the people from the undertaking parlor arrived?

A Yes, they did.

Q And that was the first time that that was taken down?

A The sheet was taken down?

Q The sheet.

A Yes, sir.

Q Were you there when the body was removed?



A Yes, sir.

Q And who removed it?

A Dr. Gerber and the men from the undertaking parlor.

Q And at that time, isn't it a fact that the bed clothing was bundled up?

A No, sir, it is not.

Q What was done with it?

A The bed clothing was folded and taken to the Morgue station wagon.

Q Are you sure of that?

A To the best of my knowledge.

Q If Fred Drenkhan testified in this court room that when the body was removed, that the people from the undertaking parlor bundled up the clothing and took it along at a given time with them, would he be giving a correct statement as to what transpired in that room that morning?

MR. DANACEAU: Objection.

MR. MAHON: Objection.

THE COURT: Sustained.

Q Now, after leaving the premises, you went over to the hospital at 11 o'clock?

A We arrived in the hospital about 11 o'clock.

Q About 11 o'clock. And the first person you saw was a receptionist?

A Yes, sir.

Q And she referred you to a nurse?

A Yes, sir.

Q And the nurse pointed out the room that Sam Sheppard was in?

A Yes, sir.

Q And you spent about 20 minutes with him on that occasion, is that your testimony?

A About 20 minutes.

Q During that period, you examined him, did you not, questions, answers, to a certain extent?

A We didn't examine him, no.

Q Well, you conducted an examination -- well, I'll put it this way: During that period you talked to him, didn't you? That was the first conversation you had with Sam, wasn't it?

A That morning about 11 o'clock.

Q And you talked with him in the presence of whom?

A Dr. Sam Sheppard, Detective Gareau and myself.

Q And during that entire period, if I recall your examination, you were not interrupted by anyone, were you?

MR. PARRINO: Object to that.

THE COURT: He may answer yes

or no.

A Yes, we were.

Q By whom?

A Dr. Steve Sheppard.

Q And when was that?

A That morning when we first talked to Dr. Sam.

Q Well, you didn't tell the jury this morning that Dr. Steve Sheppard was in that room the first time you were there for 20 minutes, did you?

MR. DANACEAU: We object to that because he specifically did tell about those interruptions.

MR. GARMONE: Well, you find that in the record.

MR. DANACEAU: I will leave it to the court if he didn't tell about --

MR. GARMONE: I am not leaving anything to the court. You point it out to me in the record.

MR. DANACEAU: You go and look at the record yourself.

THE COURT: The objection will be sustained.

Q Now, at that point, did you put anything in writing?

A No, sir.

Q Did you at any time in the presence of Sam Sheppard reduce to writing the questions you asked him in that room that morning and the answers that you received?

A No, sir.

Q How long, would you say, if there was an interruption by Dr. Steve Sheppard, how much time did that interruption consume?

A The first interruption could possibly have consumed about three minutes.

Q Three minutes. Is that on the first visit?

A That's on the first visit, yes, sir.

Q When you first walked into the room, Steve Sheppard wasn't in the room, was he?

A No.

Q You introduced yourself to Sam?

A That's right.

Q Told him who you were?

A That's right.

Q That you were from the Cleveland Police Department, is that right?

A We told him we were from the Cleveland Police Department and we were sent -- asked by the Bay Village authorities to assist them in the investigation of this homicide.

Q And didn't you say to him, "Sam, are you willing to talk to us?"

A No, sir, I did not.

Q Well, did you start right in to talk to him?

A In fact, I didn't say "Sam," I said, "Doctor."

Q Well, "Doctor, are you willing to talk to us?"

A I said, "Doctor" --

Q Did you say that or didn't you?

MR. MAHON:

Give him a chance

to answer.

A No, sir, I did not.

Q What did you say?

A I said, "Would you tell us everything you know in regards to this homicide that would be of any assistance to us?"

Q Now, when you made that request, Dr. Steve Sheppard wasn't in the room, was he?

A No, he was not.

Q And didn't Sam say to you that, "Yes," he will tell you, is that right?

A That's right.

Q And he started to tell you, didn't he?

A Yes, sir.

Q And when he started to tell you, the only people in that room were you, Gareau and Sam Sheppard, isn't that right?

A That is right.

Q And the only people in that room when he started to tell you, for the first 15 minutes of that conversation, were you, Gareau and Sam Sheppard, isn't that a fact?

A No, sir, it is not.

Q Well, how long were you in there with him before the

interruption from Steve Sheppard took place?

A I would say about five minutes.

Q Five minutes. Then did Steve leave?

A After the first interruption, yes, sir.

Q Did he leave on your request?

A Yes, sir.

Q And Sam didn't insist that he stay, did he?

A No, he didn't.

Q So he was willing to cooperate with you to the fullest extent on that day, wasn't he?

MR. MAHON:

Objection as to

what he was willing to do.

THE COURT:

Objection sustained.

Q Now, Officer, when you went there the first time, you didn't have in your possession the contents of Exhibit -- you didn't have in your possession on that occasion what has been identified as State's Exhibit 26-A, B and C?

A On the first occasion, no.

Q You hadn't seen it yet, had you?

A No, sir.

Q During this conversation, didn't he say to you, Officer Schottke, in the presence of Gareau, that after he had made the observation that you have described that he told you about, of Marilyn, that Chip came to his mind?

A On the first --

Q On the first visit?

A Chip was never mentioned.

Q Chip was never mentioned. Did you at any time mention Chip?

A No, sir, I did not.

Q Now, you talked with him for this 20 minutes, is that right?

A With interruptions, yes.

Q How many interruptions?

A Three or four.

Q Three or four. During those three or four interruptions, did Sam ever insist that his brother, Dr. Steve, remain in the room?

A Not to my knowledge.

Q Not to your knowledge. Well, you were there and you would know if he had, wouldn't you?

A That's right.

Q And he didn't, did he?

A No, he didn't.

Q So from your observation and from the course of your investigation at that particular time, this young man afforded you his fullest cooperation, didn't he, Schottke?

MR. MAHON: Objection.

THE COURT: Objection sustained.

Q Now, after you left the hospital -- on the first occasion that you were there you put some questions to Sam, didn't

you?

A We asked him some questions, yes.

Q And he answered every question that you asked of him, didn't he, to the best of your recollection and knowledge?

A To the best of my recollection.

Q He did, didn't he?

A To the best of my recollection, yes, sir.

Q And on that occasion you made no mention of the contents of Exhibit 26-A, B and C, did you?

MR. MAHON: Wait a minute.

A On the first visit to him, no, but --

Q I asked you if on that occasion you made any mention of the contents of this bag?

THE COURT: His answer is obviously no,, Mr. Garmone.

MR. MAHON: You asked him that before and he said no.

MR. GARMONE: Well, it may be obvious but --

THE COURT: Why doesn't he say no?

MR. GARMONE: Why doesn't he say no? That is all I want him to say, is no. The question is simple.

MR. PARRINO: You just asked



him two minutes ago, Fred.

MR. GARMONE: I may have a thought  
in mind that I want to develop.

MR. MAHON: You already asked  
him that.

Q Did you show him the watch on that occasion?

A No. On the first occasion?

Q Yes.

A No.

Q You didn't have the watch, did you?

A No.

Q You didn't show him the ring? You didn't have the ring,  
is that right?

A That's right, we didn't have the ring.

Q And you didn't show him the chain that carried the keys  
and any other objects that may be on the chain because  
you didn't have it, did you?

A That's right.

Q Now, then, you left the hospital and you went back to the --  
where did you go?

A I went to the Bay Village Police Department.

Q And who was the first person that you saw at the Bay Village  
Police Department?

A There were three people we seen.

Q Who did you see?

A Chief Eaton, Sergeant Hubach and Patrolman Drenkhan.

Q Now, will you tell me, Officer Schottke, the amount of time from the time that you first started your investigation at the Sheppard home until the time that you got to the Bay Village Police Department involved, compile it all, including your travel from the home to the hospital, from the hospital to the Bay Village Police Department?

A I'm afraid I don't understand that question.

Q Well, how much time was consumed from the time that you first arrived in or about the Sheppard home until the time that you got to the Bay Village Police Department?

A We got to the Bay Village Police Department in the neighborhood of 11:30, 11:45.

Q So that would be about two and a half hours, or two hours and 45 minutes, is that right?

A About that.

Q 20 minutes of that time was spent on the first occasion in the bedroom where Marilyn's body was found, is that right? That's what you said to me.

A About 20 minutes.

Q And some of that time was spent in the den, is that correct?

A Yes, sir.

Q About how much of that time?

A Possibly 10 minutes.

Q And some of the time was spent in and around the surrounding

grounds that are on Sam's home, is that right?

A Some of the time, yes, sir.

Q About how much?

A Possibly another 15 minutes.

Q So that would give us about 50 minutes all told, is that right?

A From the time that we arrived?

Q Right.

A Yes, sir.

the 17

- Q Then you went to the hospital, is that correct?
- A Not 50 minutes after we arrived at the home, no, we didn't go to the hospital.
- Q Well, how soon after you arrived at the home did you go to the hospital?
- A We left for the hospital about a quarter to 11.
- Q Well, then, how much time did you spend in and around Sam Sheppard's home before you went to the hospital?
- A About an hour and forty-five minutes.
- Q Then you went over to Bay Village to the police department?
- A Yes.
- Q And you saw Chief Eaton, Sergeant Hubach, and who else?
- A Patrolman Drenkhan.
- Q And didn't you say at that time to Chief Eaton, "You don't have to look any further. You can stop with Sam Sheppard"?
- A I absolutely did not.
- Q You did not. Now, after you left the Bay Village Police Department where did you next go?
- A We went back to the Sheppard home.
- Q What was the first thing you did at the Sheppard home?
- A Started searching around the home and the area.
- Q Had you found anything on that search that you had already described that you had observed or found on the first search?
- A The second search we found nothing.

Q Now, about what time would you say that that particular search was conducted?

A The search was being conducted at the time when the green bag was found.

Q Well, how much time did you spend in the search, if any, when you went back there after you had left the Bay Village Police Department?

A I didn't spend any time in the search of the bank and the weeds.

Q All your time was consumed inside the home?

A Inside the home, the surrounding lawn, down on the beach.

Q Now, when you first saw this bag and its content, what time was it?

A About 1:30.

Q Will you step down from your witness chair a minute, please?

(Witness leaves the witness stand.)

Q Will you take this bag and describe to the Court and jury the type of an examination that was made by you, Gareau and Gerber of it, and the time? Will you turn around to the jury?

A At that time, this was the living room of the home, there was some papers put on the table and the contents were slowly taken out.

Q Out of the bag?

A Out of the bag.

Q And where were they placed?

MR. DANACEAU: Just a minute.

Let him do it.

(Witness demonstrates.)

MR. MAHON: In that manner?

THE WITNESS: It had been pushed

also --

MR. MAHON: In that manner?

THE WITNESS: Just about that manner.

MR. MAHON: Can the jury see?

I better get out of the way.

Q Now, who handled the bag?

A I don't recall whether Detective Gareau or Coroner Gerber handled the bag.

Q Did you handle the bag at any time?

A I did not, no, sir.

Q Would you state to the Court and jury now that the bag wasn't handled by both Gerber and Gareau?

A You mean at the time the contents were being dumped out?

Q Yes.

A One or the other.

Q Well, when did Gareau handle the bag if he didn't handle it at the time that the contents were being dumped out?

A Gareau had the bag from the time that Larry Houk gave it to him until we turned it over to Dr. Gerber.

Q Where was Grabowski when the bag was found?

A Grabowski was not at the scene.

Q Did you send for him?

MR. DANACEAU: Just a minute.

If there is going to be any more demonstration,  
let him do it, or else let the witness take  
the seat.

MR. GARMONE: There is going to  
be another demonstration.

MR. DANACEAU: Let's have it.

MR. GARMONE: Can I conduct my own  
cross-examination?

MR. DANACEAU: It is not proper to  
have the witness stand.

Q What was done as far as the examination of this bag was  
concerned?

A The contents were looked over, and were picked up by Dr.  
Gerber, wrapped in tissue paper. A pencil was used to pick  
up the objects. Each object was wrapped in tissue paper,  
placed in a box, and the box was then put back in the bag.

Q Back in the bag?

A Yes, sir.

Q Now, when the contents were first picked up by Gerber, how  
were they picked up?

A They were picked up with a pencil. This would be examined.

The wrist watch was picked up. (Demonstrating.)

Q That way?

A With a pencil.

Q Yes.

A So they were able to take and see the size of the wrist watch; and the key chain, I don't recall whether it was picked up with a pencil or whether it was still left on the table, and the pencil used like that (demonstrating).

Q All right. You can go back to the witness stand.

(Witness resumes witness stand.)

Q Now, after the examination of the bag and its contents were made, what happened to the bag? Did you retain possession of it?

A The bag was given to Dr. Gerber until the time we made our second visit to the hospital.

Q And after you made your second visit to the hospital, what happened to the bag and its contents?

A We gave the bag to Dr. Gerber.

Q Have you seen that bag since that time until today, anywhere?

A Not that I can recall at this time.

Q Did you at any time, after this bag was turned over to you, take it to the ballistic division of the Cleveland Police Department for a scientific examination?

A The bag was not turned over to me.

Q Well, since it came into your knowledge, did you at any time



take it to the ballistic division of the Cleveland Police Department?

A I did not take it there, no.

Q Did you at any time ever request Dr. Gerber that the bag or its contents be turned over to the ballistic division of the Cleveland Police Department?

A No, I did not.

Q Now, when you first observed blood on the watch, where was that?

A Blood was on the band and on the face.

Q Was that at the home of Sam Sheppard, or was that at the hospital when you showed him the articles that are contained in the bag?

A At the home.

Q Now, Officer, you have been in the police department now for 12 years, and you have been connected with the Homicide Division for the last 10.

Blood first becomes sticky, doesn't it, before it dries?

A Yes.

Q Well, didn't you think it was necessary, after you made the observation of blood on this watch, to see whether there was any substance or prints that may have remained there, if it was handled while the blood was sticky?

A The watch and contents -- or the bag and contents were

turned over to Dr. Gerber. We took no evidence.

Q You took no evidence?

A That's right.

Q But you were there assisting the Bay Village Police Department, were you not? Is that right?

A Yes, sir.

Q And Dr. Gerber is the Coroner of the County, is that right?

A Yes, sir.

Q And your experience investigating homicide matters is far more-reaching than that of Dr. Gerber, isn't it?

MR. MAHON: Objection to that.

THE COURT: Sustained.

Q Well, when you were called in to investigate -- or to assist the Bay Village Police Department, did Chief Eaton say to you, "We felt we needed someone with experience. This was too big for us," or words to that effect?

A Words to that effect. I don't remember what the exact words were.

Q So you and Gareau were more or less the chief operating investigators in this matter, weren't you?

MR. MAHON: Object to that.

THE COURT: Objection sustained.

Q Now, you took the bag over to the hospital, is that right?

A Yes, sir.

Q Now, when you took the contents out to show Sam, you didn't

handle it with a pencil, did you?

A The contents were wrapped in Kleenex.

Q And did you unwrap the Kleenex that was around them?

A We took the contents out of the box one at a time and placed it on the palm of my hand, opened the Kleenex and showed the article to Sam.

Q Did you at any time take it out of your hand?

A No, sir, I did not.

Q Did you at any time hand it to Sam?

A No, sir.

Q Now, at that time you had some other objects along with you, did you not, other than the contents of Exhibit 26-A, B and C?

A No, I didn't.

Q When did you find the two teeth or chips of teeth?

A At the time when the body was moved.

Q Did you have those with you when you went over to see Sam?

A No, I didn't.

Q You did not?

A No, sir.

Q Now, on that occasion, you talked with Sam, did you, the second time?

A The second time, yes.

Q About what time was that?

A About 3 o'clock.

Q And about how long a period would you say that that conversation took?

A Approximately 20 minutes to half an hour.

Q You asked him some questions?

A Yes, sir.

Q He answered them?

A Yes, sir.

Q He didn't say that he refused to talk to you, did he?

A No, he didn't.

Q And then there was some interruptions by Steve, is that right?

A No, sir.

Q No interruptions on that occasion?

A No, sir.

Q Was that when you had instructed Steve that you didn't want him in the room?

A On the second visit, I didn't see Dr. Steve.

Q You didn't see Dr. Steve. You say you were only with Sam, then, from what time to what time?

A Anywhere from 20 minutes to a half-hour.

Q Now, did you reduce to writing any of the questions and answers that you received on that occasion?

A Not at that time.

Q When did you reduce them to writing?

A Within a few days later.

Q About how many days later?

A Approximately three days later.

Q Three days later. Did you at any time after you reduced to writing three days later that you remember of what transpired there, take a copy of it over and show Sam Sheppard?

A No, I didn't.

Q You didn't get his signature on every page of that statement, did you?

A No, sir.

Q And you didn't turn it over to him for his approval to see whether it contained the conversation as it was had, or whether it contained material -- conversation that wasn't had, did you?

A No, sir.

Q Now, when you walked into the hospital on the second occasion, do you remember saying to Sam, "Why don't you confess? We found your teeth under your wife's body"?

A Those were not the words used.

Q Did you use the word "confess"?

A No, sir.

Q You didn't?

A No, sir.

Q Did you say to him that you found his teeth under his wife's body?

A Those were not the words used.

Q Did you inquire about his teeth?

A Yes, sir.

Q Did you ask him if he had some chipped teeth?

A I did.

Q You then had knowledge that there had been teeth found under Marilyn's body, is that right?

A That's right.

Q And that was the purpose of that inquiry as you put it, is that correct?

A That's right.

Q You didn't first determine, did you, Officer Schottke, whether those teeth belonged to Marilyn or not before you inquired into Sam about the condition of his teeth, did you?

A Someone else determined that.

Q When?

A At the time when the body was moved.

Q Well, then, why did you say that you had found -- or did you say that you had found under Marilyn's body Sam's teeth?

MR. MAHON: We object to that.

MR. GARMONE: I will withdraw that.

Q Let's get to the part that you say the teeth was determined when Marilyn's body was removed. Who determined it?

MR. MAHON: Was he there?

Q Were you there?

A Yes, I was.

Q Who determined it?

A Determined what?

Q That the teeth that you are talking about belonged to Marilyn?

A It wasn't determined at that time.

Q Well, did I understand you to say that it was determined?

A I said someone else took and determined where the teeth possibly could have come from.

Q Possibly could have come from?

A That's right.

Q Where? At the home?

A Yes.

Q Well, when was the determination made at the home, if the teeth were found after her body was removed?

A The determination was made before the body was moved.

Q Well, the teeth weren't found until after the body was removed, is that right?

A I am talking about the time -- when I am saying the body is moved, it is moved from the bed and put in the basket, and at that time the teeth were found where the body had been resting on the bed.

Q Well, who took charge of the teeth?

A Dr. Gerber.

Q Did he make any examination at that time of the teeth, to your knowledge?

A He examined Marilyn's teeth, yes.

Q At that point?

A He made a preliminary examination, yes.

Q Well, what did his examination consist of?

A I was standing in such a position at the time when he was bent over the body, I couldn't see what he was doing in the region of the mouth.

Q Well, after he had been doing that in the region of the mouth, what you couldn't see, did he say to you then that the teeth belonged to Marilyn Sheppard?

A No, sir, he did not. He said he couldn't find any chipped teeth in her mouth with the examination he was able to make.

Q He couldn't find any chipped teeth in her mouth?

A That's right.

Q Now, you say you didn't say to Sam, "Why don't you confess? We found chips of your teeth under Marilyn's body"? You didn't use that language?

A No, sir.

Q You made no record of that conversation, did you?

A At a later date.

Q Three days later?



A Yes, sir.

Q Have you ever shown it to Sam?

A It is an official police report.

Q Official police report?

A Yes.

Q Well, Exhibit 48, you participated in this report, didn't you?

A Yes, sir.

Q And this is an official police report, too, isn't it?

A It is not an official Cleveland police report.

Q Well, then, it is an official police report in conjunction with the County Sheriff's office, is that right?

MR. MAHON: I will object now.

It is not a Cleveland report at all.

THE COURT: It is not a police report at all.

MR. GARMONE: What is it?

THE COURT: It is a statement of the defendant.

MR. GARMONE: Well, a statement -- what is the difference between a statement and a report?

MR. MAHON: Lots of difference.

THE COURT: It is a statement of

the defendant, Sam Sheppard.

Q Well, the statement that you took at the hospital on the second visit was never shown to Sam Sheppard, we are agreed on that, is that right?

MR. MAHON: Wait a minute.

I object now. He never took any statement.

He never said he took a statement.

THE COURT: Objection sustained.

Q Well, what did you say to Sam about the teeth, Officer?

A We asked Sam if he had any chipped teeth in his mouth.

Q Yes.

A He said yes. We told him there were two teeth chips found underneath Marilyn's body at the time it was moved.

Q Yes.

A And we asked him if those were his chipped teeth.

Q And what did he say?

A He said no.

Q That is the way the conversation was, as far as you can remember, relating to his teeth, without first looking at your report, is that right?

A As far as I can recall, yes.

Q Now, how many pages of the report that you later made out as a result of that conversation make up?

A Of the conversation about the teeth?

Q On the second visit that you had with Sam Sheppard, how

many pages did it consist of?

A I don't recall offhand.

Q Do you have the report with you?

A No, sir, I do not.

Q Now, after you spent that time with him on the second occasion, you left the hospital?

A Yes.

Q Where did you go?

A Went back to the home.

Q And how long did you remain on the premises?

A Until about 6:30.

Q Now, on the second occasion was Chief Eaton in the room with you and Gareau?

A Yes, sir.

Q And did you turn to Chief Eaton and your partner, Pat Gareau, and say, "I don't know what you fellows think, or how you feel about it, but I am satisfied that this is the man that murdered Marilyn Sheppard," or words to that effect?

A Those were not the words used.

Q Well, will you relate to the jury what the words were, to the best of your recollection?

A To the best of my recollection, I stated that "the evidence points strongly towards you, and that, in my opinion, you are the man that -- you are the one that killed your wife."

Q And up until that time, you had spent about how much time in the investigation of the murder of Marilyn Sheppard?

A Approximately six hours.

Q And you had come to that conclusion?

A Yes, sir.

Q Is that right?

A Yes, sir. At that time I was of that opinion.

Q That was your opinion?

A Yes, sir.

Q Now, then, did you go back on the 5th of July?

A Yes, sir.

Q What did you do on that occasion?

A We went back to the home, and later that day we met Deputy Sheriff Carl Rossbach.

Q Now, were you present, Officer Schottke, when there was substances that were identified as nail polish found in the bedroom of Marilyn Sheppard?

A No, I was not.

Q Did you ever see that substance?

A No, I didn't.

Q Was it ever shown to you?

A No, sir.

Q Were you present when there was a small piece of leather about five-eighths of an inch by five-eighths of an inch found in the bedroom of Marilyn Sheppard?

A No, I was not.

Q Was it ever called to your attention?

A I heard about it, yes.

Q Now, when you made an observation of Marilyn, did you notice that she had some polish on her toenails?

A Yes, I did.

Q Did she have any polish on her fingers, to the best of your recollection?

A No, she didn't.

Q She did not. Only on the toenails?

A On the toenails.

Q Now, when you first went to the hospital, did you observe Sam's physical condition?

A I observed parts of his body.

Q What parts did you observe?

A I was able to observe his head, parts of his arms, parts of his legs.

Q Now, I will hand you what has been marked for identification Defendant's Exhibit S, and ask you if that is a fair representation of the observation you made of Sam Sheppard in that room?

A The observation of his head is a fair representation. I never saw him with his mouth in that position.

Q You never saw him with his mouth in that position?

A No, sir.

Q But the upper part is a fair representation?

6 A A fair representation.

Q Had you learned on the first trip to Sam that he had been given a sedation?

A No, sir.

Q Did you learn on the second trip that he had been given sedation?

A No, sir.

Q At no time were you told by any doctor that is associated with BayView that he had been given some morphine or other form of sedation?

A Not that I can recall at this time.

Q Not that you can recall at this time.

Well, the report that you made out as a result of the visit the second time on July 4th, would that report contain it, if the statement was made to you?

A If the statement was made to me, yes.

Q Well, will you check it and find out and see whether it is in there or not?

A Yes, sir.

Q About what time did you finish your inspection and investigation on the 4th day of July?

A About 10:30 p.m.

Q And then you went back there the following day, is that right?

A July the 5th, yes, sir.

Q Where did you go?

A We went to the home.

Q About what time did you get there on the 5th?

A I'd say about 9:30.

Q And how much time did you spend around the place either in or outside?

A Well, we met Deputy Rossbach at about 10:30, and we had quite a bit of conversation with him.

Q And after the conversation with Deputy Rossbach, did you go somewhere?

A We went around the house, the yard, and that with him, and then we went to Bay View Hospital.

Q Did you talk with Sam on that occasion?

A No, sir, I did not.

Q Did Rossbach and Yettra, to your knowledge, talk to him?

A Yettra was not there on July the 5th.

Q Did Rossbach talk to him?

A He asked him a few questions.

Q But you weren't present?

A I was present.

Q You were present?

A Yes, sir.

Q And about how long would you say that talk lasted?

A From the time we got into the hospital room until we left the hospital room, about 20 minutes had passed.

Q Now, on the 4th of July did you go into any other rooms upstairs after you left Marilyn's room?

A Yes, I did.

Q What rooms did you go into?

A The rest of the rooms that were upstairs.

Q Will you describe them or locate them for the jury?

A To the -- as you go up the stairs, the first room to the left of the hallway, just prior to entering Marilyn's room, appeared to be a guest room. There was a bed in there, and the curtains on the windows, nothing was disturbed in any manner. The windows were locked.

Q Was that on the east side of the house?

A No, that would be on the west side of the house.

Q You made an investigation of that room?

A Yes.

Q Saw nothing?

A The contents of the room.

Q With the exception of the contents of the room?

A No signs of forcible entry, no signs of a struggle.

Q Then which room did you go into next?

A I don't recall the exact way I went into the rooms. I can't say exactly which room I went in first or which room I went in next.



Q Did you go into any of the rooms that were on the east side of the house?

A Yes, I did.

Q Which rooms did you go into that are on that side of the house?

A On the east side of the house there is a little room that you walk into, and in there is a cedar chest and a chest of drawers, and other furniture, and then beyond that room, just east of that room, is another bedroom.

Q Did you notice anything unusual about that bedroom?

A The bedroom there -- the bed was not made. It appeared as though somebody had slept in the bed. The bed was not made.

Q Yes.

A There were men's clothing in there, men's shoes, and --

Q Anything else?

A There was a billfold-type holder on top of the chest of drawers there.

Q Anything else?

A There was furniture in the room, a chest of drawers, chairs.

- Q Now, this clothing that you described, was it on the floor?
- A No. It was hung up on a chair, on hangers.
- Q Did you go into the washroom at any time?
- A Yes.
- Q Did you observe anything in the washroom?
- A There were two bathing trunks in the bathtub that were wet.
- Q Yes.
- A And inside the clothes hamper in the bathroom was a pair of boy's socks, a pair of boy's shorts, and what I would describe as sort of a terrycloth shirt.
- Q Did you see a cigarette butt in the toilet bowl?
- A Not to my knowledge.
- Q Not to your knowledge. Now, that morning when you arrived there, did you see any footprints in or out of the house?
- A No footprints.
- Q Did you see any prints of any kind in or out of the house?
- A Not to my knowledge.
- Q Was there a picture turned over to you that you made part of this police report that you prepared after your second visit with Sam that showed some footprints that were on the beach?
- A Picture turned over to me on July 4th?
- Q Well, either on the 4th or sometime thereafter, before you made up the report three days later?
- A There were pictures taken of footprints on the beach, but

they were not turned over to me.

Q Were they called to your attention?

A At the time when they were found, no, sir. At a later time.

Q Did you do anything about them at any time?

A Myself personally, no.

Q Do you have a picture of the footprints that were taken?

A I don't have the picture.

Q Were you ever shown a picture of the footprints that were taken?

A I have seen pictures of the footprints.

Q Who showed you the pictures?

A Right offhand, I don't recall.

Q Were the pictures shown to you by Officer Grabowski?

A I don't know.

Q Well, would your report that you made three days after your second talk with Dr. Sam disclose who showed you the pictures?

A I don't think so.

Q Would it disclose where the pictures are today?

A That report wouldn't, no, sir.

Q It would not. Well, did you make any notation of any kind as to where the pictures came from and what they disclosed? Did you reduce it to writing at any time?

A I didn't, no.

Q You did not. Do you know whether Gareau did or not?

A To the best of my knowledge, he didn't.

Q Now, this report that you say that you prepared, do you have it with you?

A No, I don't.

Q Is it available to you?

A It is an official police report.

Q Will you bring it over so that we can look at it?

A It is one of the official Cleveland Police reports.

Q My question to you, Officer Schottke, is: Will you make the report available to us so that we can look at it?

A If I am ordered to by the Judge.

Q What was your answer?

A If I am ordered to by the Judge.

Q Unless you are ordered to by the Judge --

MR. MAHON:

"If I am ordered

to by the Judge," he said.

Q Well, if the Judge doesn't instruct you to bring it over, then we won't have access to it, is that it?

A It is one of our official reports.

Q Well, that report contains the statements that you reduced to writing of Sam Sheppard, doesn't it?

A Not the original investigating report.

Q Pardon?

A Not the original investigating report.

Q Well, now, what report am -- am I talking about the same

report that you are talking about?

A Evidently not.

Q Well, let's clear it up. I asked you earlier in my examination about your conversation with Sam Sheppard on the second visit, is that right?

A Yes, sir.

Q And I asked you if any time during that examination you made any notations, and your answer was no?

A That's right.

Q I asked you if you prepared a report, and you said you did?

A Yes, sir.

Q As a result of that conversation, and you said you did?

A That's right.

Q That that report was prepared three days later?

A Yes, sir.

Q Now, doesn't that report contain the statements relative to the footprints that were found in and around the Sheppard home on the morning of the 4th of July?

A To the best of my knowledge, it does not.

Q Well, can we have that report here that you reduced to writing that you made three days after your conversation with Sam Sheppard tomorrow morning?

A It is an official Cleveland Police report.

Q Is your answer no?

MR. MAHON:

Well, now, I

object to this, if your Honor please. He said, "It's an official report."

MR. GARMONE: Well, I haven't had an answer. He doesn't say I can have it or can't have it.

MR. MAHON: Well, we are objecting to it now.

THE COURT: This is a report which he made, I take it, to his superior officers, is that right?

THE WITNESS: That's right.

MR. GARMONE: Well, that is the Court's assumption. How do I know whether it is a report that --

MR. MAHON: That's what he is telling you.

THE COURT: I am asking him now, and he says it is.

MR. GARMONE: I don't know that, this jury doesn't know that.

THE COURT: I know, but he says it is. If you asked him that originally, then we would have known.

MR. GARMONE: Well, when we started the trial of this lawsuit, the state-

ments were being thrown around here, "Let the chips fall where they may" --

MR. MAHON: Wait a minute.

MR. GARMONE: -- and we want the chips to fall where they may, and we insist on the report.

MR. MAHON: Wait a minute.

MR. PARRINO: I don't think it is time for final arguments yet.

THE COURT: The jury will disregard that entirely.

MR. PARRINO: It is a little early.

THE COURT: Let's go ahead with the questioning, Mr. Garmone.

Q Then I am not -- the report is not going to be made available to me, is that right?

MR. MAHON: I object to that, if your Honor please.

THE COURT: The jury will disregard that question entirely.

Q Now, the pictures that you saw of this footprint, were they in the police station of the department that you are a member of?

A As far as I know, they are official police reports -- official

police photographs.

Q Can you make those pictures available to this jury tomorrow -- or Monday, rather?

A The official police photographs are part of the official reports.

Q And they are not available to us?

THE COURT: Let's find out if he is in charge of them. I don't know whether he is or not. Perhaps he couldn't produce them if he wanted to.

Q I will hand you what has been marked for identification State's Exhibit 12. Do you know what that represents?

A Yes. It is the hallway in the Dr. Sheppard home.

Q Is there any notation on the back of that picture?

A "Sheppard," and there appears to be a number here.

Q Anything else in a circle here?

A "Do not copy unless authorized. This is a Cleveland Police Department photograph."

Q And that is a picture that you would classify as an official police picture, isn't it?

A With that stamp on the back, yes, sir.

Q With that stamp on the back. Well, why is it, officer, that this picture is made available to this jury and the picture of the footprint is not available to the jury?

MR. MAHON: Objection.



MR. PARRINO: Objection.

THE COURT: Objection sustained.

Q Now, there was a picture shown to you this morning, Officer Schottke, that represents the watch of Sam Sheppard. Do you recall that exhibit?

THE COURT: I don't think he saw the picture, Mr. Garmone.

MR. MAHON: He was never shown that picture.

MR. PARRINO: I didn't show him any pictures.

MR. DANACEAU: He wasn't shown any pictures. That was shown to Dr. Gerber.

Q When you first saw the watch of Sam Sheppard, did you testify what time the watch disclosed?

A Yes, I did.

Q What was the time?

A 4:15.

Q Do you have a picture in your files that discloses that fact?

A Not to my knowledge.

Q When you saw that watch, wasn't Officer Drenkhan present?

A No, sir.

Q Who was?

A When I first saw the watch, Detective Gareau was present.

- Q And was anyone else present after you first saw it?
- A We then took the watch into the house and called Dr. Gerber.
- Q And then who else saw it after Dr. Gerber saw it?
- A There may have been other police officers standing around. I didn't pay particular attention.
- Q Was Grabowski one of the police officers standing around?
- A Grabowski was not there at that time.
- Q Was Drenkhan one of the police officers standing around?
- A I don't know for sure.
- Q Well, you saw Drenkhan take some pictures on that property that morning, didn't you?
- A I seen Drenkhan take no pictures.
- Q You saw him take no pictures. When you first saw the watch, did you make a request of anyone to take a picture so that the time that you are testifying to could be determined?
- A No, I didn't.
- Q Were you present when this picture was taken?
- A No, sir.
- Q Do you know when this picture was taken?
- MR. MAHON: What picture are  
you talking about now?
- MR. GARMONE: State's Exhibit 36.
- A No, sir, I do not.
- Q Is that a fair representation of Sam Sheppard's watch?

A It is a fair representation.

Q You don't know when the picture was taken?

A No, sir.

Q Do you know whether it was taken on the 4th day of July or not?

MR. MAHON: He said he  
didn't know when it was taken.

Q Has it come to your knowledge whether it was taken on the 4th day of July or not?

MR. MAHON: I object to  
whether it has come to his knowledge or not,  
your Honor.

THE COURT: Yes. He says  
he doesn't know, Mr. Garmone.

MR. GARMONE: All right.

Q Now, this report that you prepared, Officer Schottke, you say you prepared it for a superior officer?

A Which report are you referring to, Mr. Garmone?

Q The one that I have asked you to bring here Monday morning, and you said to me it's an official police report and you would not bring it unless you were so instructed by the court.

A Is that the report you are referring to in regards to the interviews with Dr. Sam Sheppard?

Q On the second occasion, yes.

THE COURT:

And made about

three days later.

Q And reduced to writing three days later.

A That report was made for a superior officer.

Q Will you tell me the name of the officer?

MR. DANACEAU:

Object to this.

THE COURT:

He may answer,

if he knows.

A All our reports are made out to a superior officer.

Q My question to you, Officer Schottke, is: Will you tell me now the name of the officer that you made that report out to?

A Captain David E. Kerr.

Q Was he in town on that day?

A To the best of my recollection, he was not.

Q Well, who was the acting superior, then, if Captain David E. Kerr wasn't in town?

A I'm afraid I don't understand your question the way you put it.

Q Well, maybe I will rephrase it.

THE COURT:

Find out who it

goes to.

MR. GARMONE:

I will. I will

clear it up.

THE COURT:

It is just a detail.

Let's not take too much time on it. Find out who he gave the report to.

Q Who did you give the report to if Captain Kerr wasn't in town?

A The reports are then turned over to Deputy Inspector McArthur.

Q Did you give him this report?

A Yes, sir.

Q When did you turn it over to him, Officer Schottke?

A The report was not turned over by me to him personally. The reports that were made were turned over to Inspector McArthur. The reports were made out to Captain Kerr and then Deputy Inspector McArthur reviews the reports.

Q Through a channel they finally reach Deputy Inspector McArthur, is that right?

A Yes, sir.

Q That is the chain in the operation of the Police Department, is that correct?

A That's right.

(Thereupon a discussion was had between court and counsel outside the hearing of the jury, after which the following proceedings were had within the hearing of the jury:)

THE COURT: Ladies and gentlemen of the jury, we will now be adjourned

until 9:15 on Monday morning, and will you be kind enough over the weekend not to discuss this matter in any way, shape or form, or any part of it, with anyone, and particularly not among yourselves.

Without any formality at all, we will be adjourned until 9:15 Monday morning.

(Thereupon, at 4:20 o'clock, p.m., the hearing was adjourned to Monday Morning, November 22, 1954, at 9:15 o'clock, a.m.)

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Monday Morning Session. November 22, 1954

(9:15 o'clock, a.m.)

Thereupon, the following proceedings were had in the Court's chambers, outside the hearing of the jury:)

MR. CORRIGAN: I desire to renew my motion for a change of venue and a continuance of this case. Ever since we have started in this case, the halls and the rooms surrounding the Court House -- or, surrounding the court room have been filled with reporters and photographers and television operators.

The assignment room and the witness room have been occupied entirely by newspaper reporters, radio and television operators. On each morning the defendant has been brought into court at least 10 minutes before the beginning of the trial, and then for that period of time has been subjected by many photographers and television cameras, against his will, to be photographed.

This morning -- what is today?

THE COURT: The 22nd.

MR. CORRIGAN: November 22nd, there

was erected : in front of the Court House television

cameras, WNBK. They were there when the jury was entering the Court House. The judge participated in being televised, as did Mr. Mahon and Mr. McArthur.

We, therefore, renew the motions heretofore made, ask for the withdrawal of a juror and a continuance of the case.

THE COURT:                      Of course, that will be overruled and exceptions noted.

MR. CORRIGAN:                      Now, then, we request the court that the rights of the defendant be protected in this court room, and that he be not compelled to submit to photographing and the television camera as he has been every morning with the knowledge of the court.

We request that the Sheriff be ordered not to bring him into court until such time as the jury is seated.

THE COURT:                      Well, that is more than one request. The court will make his position clear.

First, there has been no photographing in the court room except upon strict orders of the court that it was to be done before court hours in the morning or after court hours in the evening



and with the consent of counsel for the defendant.

MR. CORRIGAN: I have given no consent to that.

THE COURT: And let the record show that counsel for the defendant and the defendant, himself, have been voluntarily photographed in the court room from time to time during the progress of this trial.

MR. CORRIGAN: I haven't been voluntarily photographed. Neither has the defendant. We have been compelled to be photographed. We can't escape it.

THE COURT: Oh, no, I don't think that is so, Mr. Corrigan, and the court will say to you that the defendant is not to be photographed in the court room at all without your consent.

MR. CORRIGAN: Well, if there has been any consent by anybody in this matter, the consent is withdrawn.

THE COURT: All right. Now, as to the defendant being brought into the court room he is to be brought into the court room prior to the opening of the trial each day and just before the jury enters. That has been our effort since

the beginning of this trial.

Now, the Court wants to say a word. That he was told -- he has not read anything about it at all -- but he was informed that Dr. Steve Sheppard, who has been granted the privilege of remaining in the court room during the trial, has been trying the case in the newspapers and making rather uncomplimentary comments about the testimony of the witnesses for the State.

Let it be now understood that if Dr. Steve Sheppard wishes to use the newspapers to try his case while we are trying it here, he will be barred from remaining in the court room during the progress of the trial if he is to be a witness in the case.

The Court appreciates he cannot deny Steve Sheppard the right of free speech, but he can deny him the right of the privilege of being in the court room, if he wants to avail himself of that method during the progress of the trial.

MR. CORRIGAN:                   The statement of the Court about Steve Sheppard making uncomplimentary remarks about the testimony of witnesses is paralleled by the tremendous amount of publicity that is put in the Cleveland newspapers,

especially headlines, since the beginning of this case, which has misrepresented entirely the testimony.

I add as a further reason for my continuance of the case that last night on WHK at 6:30 the Omaha Life Insurance Company, in the broadcast sponsored by them, their broadcaster, Bob Considine, who has been in this court since the beginning of the trial, announced over the radio a comparison between the defendant and Alger Hiss, who has received notoriety through his betrayal of his trust as an official of the United States, and that the denial of Dr. Sheppard as set forth by Officer Schottke paralleled the denial of Alger Hiss when he was confronted by Whittaker Chambers, without putting in the fact that Alger Hiss at the time that he made his denial was strong mentally and physically and standing in an office room in New York, while the conversation between Schottke and Dr. Sheppard was while Dr. Sheppard was in bed in the hospital shortly after an assault had been committed upon him, in which he was seriously injured.

I would like to have the court ask the jury if they heard that broadcast.

THE COURT: This is the first I ever heard of it, even had a suggestion of it.

MR. CORRIGAN: You say you don't read it and you don't listen to it, and so forth, but --

THE COURT: Over what did it go?

MR. CORRIGAN: It came over WHK last night at 6:30.

MR. PETERSILGE: I heard that broadcast. It was highly prejudicial to the defendant, I would say.

MR. CORRIGAN: Oh, extremely prejudicial.

THE COURT: Somebody usually tells me about these things, but that is one they missed. I haven't heard a word about it until this moment. I didn't know there was any such thing.

Well, I don't know, we can't stop people, in any event, listening to it. It is a matter of free speech, and the court can't control everybody. ✓

MR. MAHON: I think that the court has instructed the jury that they are not

to read about it or listen to the broadcasts.

It was a general instruction that was given ✓  
at the time the trial started.

THE COURT: We are not going  
to harass the jury every morning. ✓

MR. CORRIGAN: I can't help it,  
Judge. If you don't, that's all right with me.  
I make my exception.

THE COURT: It is getting to ✓  
the point where if we do it every morning, we  
are suspecting the jury. I have confidence in  
this jury, and we must have confidence or the  
jury system is of no value whatever to anybody.

MR. CORRIGAN: The jury are  
human beings and this situation around here ✓  
is unprecedented in the history of trials  
in the United States.

THE COURT: You claim this  
trial is unprecedented, too.

MR. CORRIGAN: There is a murder  
case going on down here in the next room, a  
man on trial for first-degree murder, and there  
isn't a line in the newspaper about it.

THE COURT: All right.

the 2

(Thereupon the following proceedings  
were had in the presence of the jury):

Thereupon ROBERT F. SCHOTTKE resumed  
the stand and was examined and testified further,  
as follows:

CROSS EXAMINATION (CONTINUED)

By Mr. Garmone:

Q Officer, Friday, during my examination, I failed to ask you  
a question about the teeth. As a preliminary question,  
the teeth were seen on the bed after the removal of  
Marilyn's body, is that right?

A At the time she was removed from the bed and placed in the  
basket on the floor, yes.

Q By the people that were summoned there to carry out that  
work?

A By Dr. Gerber and myself, yes, sir.

Q Now, when that took place wasn't there a statement made  
there in your presence, "We found teeth of the murderer"?

A I heard no statement like that.

Q Not at all?

A No, sir.

Q Was that statement made by Dr. Gerber in your presence?

A No, sir.

Q It was not. However, it was after that incident that you went back to the hospital and had this discussion with Dr. Sam Sheppard about the teeth, is that right?

2 A That was in the afternoon discussion.

Q It was after you had found the teeth on the bed.

Now, you have related in detail your conversations with Dr. Sam Sheppard, both on direct examination by Mr. Parrino and the examination that I conducted Friday.

You had other talks with him, did you not?

A You mean after July the 4th?

Q Yes.

A Yes.

Q Did you have any talks with him in the County Jail?

A Yes, sir.

Q What day was that?

A The first time was on July the 31st.

Q And where did that conversation take place?

A The fourth floor of County Jail.

Q And it took place in the same office where this statement that has been introduced in court here, that you have identified, was taken from him, is that correct?

A The same room, yes, sir.

Q Deputy Rossbach's room, is that correct?

A Yes, sir.

Q Now, during that conversation you asked him about the lie ✓

detector again, didn't you?

A I don't recall at this particular time whether I did or not.

Q Well, to try and refresh your memory, did you say to him,  
"Doctor, are you still willing to take a lie detector test?" ✓

A I don't recall at this time, sir.

Q And did he say to you that, "I am willing, but not one that  
will be conducted by the Cleveland Police Department, because  
you have already accused me"?

Did he answer you that way?

A I don't recall.

Q And did he add that, "If you can find somebody that is  
competent in a community far removed from the city of  
Cleveland," that he would be willing to accompany you and  
take the test that you requested of him?

A I don't recall that conversation.

Q You don't recall that. But you wouldn't say to this Court  
and jury, under the oath that you have accepted to tell the  
truth, that that conversation didn't take place, would you,  
Officer Schottke?

A I don't recall at this time the conversation that you state.

Q Now, was Gareau with you on the occasion that you examined  
him on the 31st of July?

A Yes, he was.

Q And what time was that?

A We first seen Dr. Sheppard about one in the afternoon.



Q And how long did you remain with him in Rossbach's office?

A Until about 4:30, 4:45.

Q And during that entire period there wasn't any interruptions, were there?

A Yes, there was.

Q Who by?

A Attorney Corrigan.

Q Mr. Corrigan interrupted you?

A Yes, sir.

Q And about how long did his interruption take place?

A About ten minutes.

Q How long had you talked to Dr. Sheppard before you were interrupted by Mr. Corrigan?

A About twenty minutes to a half hour.

Q Now, prior to your interruption did you and Gareau talk about the various degrees of homicide with Dr. Sam?

A As I recall, it could have been part of our conversation.

Q It could have been part of your conversation. And did you say to him that, "If you give us a confession we will recommend that the charge placed against you should be manslaughter"?

A We cannot make a recommendation --

Q Did you say that to him, Officer Schottke?

A No, sir.

Q And did he say to you, "Would you be willing to accept

a confession from an innocent man?"

A No, sir.

3 Q He didn't. Now, on the 30th of July, that is, the day before you had this conversation with him upstairs in the jail, did you see some golf clubs?

A I seen a golf club, but what date it was, I can't recall.

Q Well, to refresh your memory, the golf club that you saw, was it taken by you or a member of your office out to Mrs. Ahern's residence?

A I didn't take any golf club to Mrs. Ahern's residence.

Q Well, did you later learn that there was a golf club taken out to her residence?

A Not to my knowledge.

Q Where was it that you saw this golf club?

A I seen the bag of golf clubs originally at the Sheppard home.

Q Well, you said that you saw a golf club later on. Now, where did you see this golf club?

A These were golf clubs that had been brought down to our ballistics.

Q And when were they brought down?

A I don't know.

Q You don't know. Now, when you went in to see Dr. Sam on the second occasion, that is, the 4th of July, that was your second trip there, where you had this 20-minute

conversation with him, as you testified to Friday, did you notice some blood around his mouth?

A No, I didn't.

Q After you had talked to Dr. Sam, did you leave the hospital?

A On the second occasion?

Q Yes.

A Yes.

Q Did you make any inquiry of any persons that may have attended him when he was first brought into the hospital?

A No, sir.

Q Did you ~~make~~ any effort to find out who was responsible for the removal of Dr. Sam Sheppard's clothes when he was first brought into the hospital?

A We learned later on.

Q Did you on that occasion make any effort to find out?

A On the second visit?

Q Yes.

A Well, we knew prior to the second visit that his clothes had been removed from the hospital.

Q Now, the clothes removed from his person when he was brought into the hospital, did you try to determine who took his clothes off? I will put it that way.

A Took his clothes off at the time he was brought into the hospital?

Q Brought into the hospital.

A No, sir.

Q Did you ask to see the charts that were prepared on his physical condition when he was brought into the hospital?

A No, sir.

Q When you walked into the door of the room that Dr. Sam was in, did you see a chart on that door before you entered?

A On the outside of the door?

Q Yes.

A Not to my knowledge, no, sir.

Q But you made no effort to determine whether there was a chart or not, did you?

A No, sir.

Q Well, do you think that that was proper investigation?

MR. MAHON:                      Objection to what  
he thinks.

THE COURT:                      Objection sustained.

Q Did you inquire of anyone in the hospital who may have been in attendance in the X-ray room when he was taken in there?

A No, sir.

Q Then can we assume that all you did on that second occasion was have this 20-minute conversation, is that right?

A On the second --

Q And then left?

A On the second occasion, yes, sir.

Q Now, coming to the 21st of July, regarding the conversation

that was held upstairs in the jail here on the fourth floor, Mr. Rossbach's office, did you reduce any of that conversation to writing?

A No, sir.

Q Did you at any time have it prepared and submitted to Dr. Sam Sheppard to determine whether that was the things he said or hadn't said?

MR. DANACEAU:                      Objection. He  
said he did not reduce it to writing.

THE COURT:                      Objection sustained.

Q Now, how many times after the 31st did you see him upstairs?

A Twice after that.

Q What days were they?

A August 1st and August 3rd.

Q And did you ask him on August 1st to again give you a confession?

A No, sir.

Q Did you ask him on August 3rd to give you a confession?

A No, sir.

Q Did you make an attempt, Officer Schottke, to determine whether there had been any form of narcotics administered to Dr. Sam Sheppard upon his arrival at the hospital on the 4th of July?

A No, sir.

Q When you talked to him, he was laying in bed, is that

right?

A Yes, sir.

Q I will hand you what has been identified earlier as Defendant's Exhibit L, and ask you if this is a fair representation of Dr. Sam Sheppard's condition when you saw him, either on the first visit or the second visit at the Bay View Hospital the 4th day of July?

A It is a fair representation of how he looked that day.

Q Now, the 31st of July, you say you spent about four hours with him, is that right?

A About four hours.

Q With the exception of the ten-minute interruption by Mr. Corrigan, is that right?

A Yes, sir.

Q Was there another team of officers that came in after you and Gareau had left?

A To the best of my knowledge, there were.

Q Who were they?

A Offhand, I don't know unless I check the reports.

Q Was one of them Officer Becker?

A I don't know.

Q And have you since learned how long a time they spent with him on that day?

A No, sir, I have not.

Q Now, on the 1st day of August, how much time did you spend with him?

A Approximately three hours.

Q Was there any interruptions on that occasion?

A No, sir.

Q And after you had completed your three-hours with Dr. Sam Sheppard, was there another team of officers that came in?

A To the best of my knowledge, there were, yes, sir.

Q Was Mr. Becker a member of that crew?

A I don't recall.

Q And on the 3rd day of August how much time did you spend with him?

A 45 minutes.

Q Were you interrupted on that occasion?

A No, sir.

Q And after you had completed your conversation with him on that occasion, was there another team of officers that came in to examine him?

A No, sir.

Q There was not?

A No, sir.

Q Was that the last time that you have seen Dr. Sam Sheppard until you came into the courtroom on the 3rd of August?

A To the best of my knowledge, yes, sir.

Q One more question, Officer. You testified here that you

had asked Sam in substance whether he had committed this crime. Do you recall that?

A At one time or other we asked him that, yes, sir.

Q Was that on the first or second occasion that you interviewed him?

A You mean on the 4th of July?

Q Yes.

A It was on the second interview.

Q And your answer was that he said, "Don't be ridiculous," or words to that effect?

A Yes, sir.

Q Didn't he say, "My God, don't be ridiculous"?

A No, sir, he did not.

Q He did not. You are certain of that?

A I am positive of that.

Q Who was present at that time?

A Chief Eaton and Detective Gareau.

Q Anybody else?

A No, sir.

Q And I did ask you about the cigarette butt in the water bowl, and you said you had not seen it?

A I said I did not recall seeing it.

Q Did not recall seeing it. Have you seen the cigarette butt since?



A You mean that was in the toilet?

Q Yes.

A No.

Q Has it been brought to your attention at any time?

A No, sir.

MR. GARMONE: That is all. You  
may examine.

REDIRECT EXAMINATION OF ROBERT F. SCHOTTKE

By Mr. Parrino:

Q Do you recall, Officer, the day on which the defendant was  
arrested in late July?

A Friday, July the 30th.

Q Now, when did you first question the defendant after that?

A On July 31st.

Q About what time, approximately?

A Approximately 1:15 in the afternoon.

Q What time did you start your duty that day?

A 8:30 that morning.

Q Now, at 8:30, after you -- withdraw that.

Immediately after you started your duty that day  
where did you go?

A We came over to the County Prosecutor's office that morning.

Q And you spoke to someone?

A Yes.

Q Now, at what time did you first attempt to get into the County Jail to see Dr. Sheppard that day on the 31st?

A On the 31st, we went up there, like I said, about 1:15.

Q That is the first time you went there that day?

A It was the first time I went there that day, yes, sir.

Q Now, Mr. Garmone asked you about some conversation that you had with the defendant on the 31st and following days, is that correct?

A Yes, sir.

Q Would you state to the Court and jury what that conversation was that you had with the defendant on the 31st?

A On the 31st we had conversation with him in regard to Susan Hayes. We had conversation with him of the reasons why we were of the opinion that he was the one that had killed his wife.

Q Tell us what was said, what was the conversation.

A We asked him about Susan Hayes, and he said, yes, that he had lied about her, and that he did stay with her at Dr. Miller's, that he did give her a wrist watch, and that his -- when he was down in Los Angeles that his wife had told him to see Susan Hayes, and that he should have a good time while he was in Los Angeles, and he also said that he had told his wife about Susan Hayes before somebody else would tell her about Susan.

We asked him about other affairs, if he told his wife

about other affairs he was having with women. He said, yes, he always told her about that.

We asked him why. He said because that he didn't want her to get the wrong impression in case somebody else told her about those affairs.

Q I see. Now, did you attempt to question him regarding the events of the morning -- of the night of the 3rd and the morning of the 4th of July of 1954?

A Yes, we did.

Q And tell us what happened in that regard.

A He refused to any questions in regard to that.

Q In other words, as to what happened on the 3rd of July and on the morning of the 4th of July, you did question him on that subject, is that correct?

A Yes.

Q On the 31st?

A Yes.

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Q Did you question him on that same subject at following times?

A Yes, sir.

Q Would he give you any information or conversation whatsoever?

MR. CORRIGAN: I object.

Q In regard to --

MR. CORRIGAN: I object.

MR. PARRINO: I haven't finished my question yet.

THE COURT: Yes. Wait until he finishes his question.

Q On the 31st and the following times that you questioned him concerning the events of the 3rd and the early morning of the 4th what did the defendant do and say regarding that?

A He stated that he refuses to answer those questions upon the advice of his attorney.

Q Now, Officer Schottke, Mr. Garmone stated or asked you, did he not, as to whether or not you did certain things at the home there on the 4th concerning fingerprints. Do you recall those questions?

A Yes, sir.

Q Are you scientifically trained in fingerprint detection, Officer Schottke?

A No, I am not.

Q And what part of the department of the Cleveland Police Department is trained in that field?

A Our Scientific Identification Unit.

Q And specifically, was there anyone at the scene there at the Sheppard home on the 4th of July trained in that field?

A Yes, there was.

Q And who was that, please?

A That was Detective Grabowski.

Q Now, I want to direct your attention again, if I may, please, to July 10, 1954, when Sam Sheppard made the nine page statement that has been introduced here in the evidence. You recall that, of course?

A Yes, sir.

Q Now, after that statement was completed and Mr. Petersilge and Sam Sheppard were about to leave, do you recall anything further that happened there that day?

A At that particular time you, Mr. Parrino, were in the room just as they were about to leave.

Q And who was there, if you recall?

A There was Detective -- Deputy Sheriff Rossbach, Detective Gareau, Dr. Sheppard, Mr. Petersilge, you and myself.

Q And what, if anything, was said by myself there to Dr. Sheppard and his lawyer on that occasion in your presence?

A If Dr. Sheppard would be willing to take a lie detector test. ✓

- Q And what was said?
- A He stated, no, that he would not.
- Q Who stated that?
- A Dr. Sheppard.
- Q The defendant?
- A Yes, sir.

MR. PARRINO: That is all.

RE CROSS-EXAMINATION OF ROBERT F. SCHOTTKE

By Mr. Garmone:

- Q Now, that statement that you have just concluded in response to Mr. Parrino's questions, does that appear in this nine page statement?
- A No, it does not.
- Q You spent some two hours with him before you took him in and had him make a written statement, didn't you?
- A Approximately two hours.
- Q And during that two-hour period you never once mentioned anything about lie detector to Dr. Sheppard, did you?
- A I don't recall.
- Q And during the period that this nine page statement consumed, you never once mentioned anything to Dr. Sheppard about the lie detector, did you?
- A No, sir.
- Q And now you say to this court and jury that after you had

spent two hours taking an oral statement from him and the hours that were consumed taking this written statement, that the parting shot as he was leaving, that Mr. Peter-silge had something to do with the lie detector test? ✓

MR. PARRINO: Just a minute.

That is not what he said. He said I asked the defendant to take a lie detector test.

MR. GARMONE: That's right, sir.

That the parting question by Mr. Parrino was, he asked him whether he would take a lie detector test?

A Mr. Parrino asked him that, yes, sir.

Q And he said no?

A Yes, sir.

Q Now, let's go back to the 31st of July. You didn't deny in my examination that you inquired from him whether he would take a lie detector test, you said you didn't recall? ✓

A I didn't recall, no, sir.

Q And you didn't recall that his answer was that "I will not take it in this community. If you can take me to a place where I can be treated fairly and under proper circumstances," that he was willing to go along? You didn't recall that answer either, did you, Schottke? ✓

A No, sir.

Q But you do remember specifically on the 10th of July, after

you spent some 12 hours with this man, that the final question by Mr. Parrino had something to do with a lie detector test, is that right?

MR. PARRINO: I object to that.

THE COURT: Yes. The objection will be sustained. That isn't just what he said.

Q Now, was he called back into the room and asked that that question and answer be incorporated in that statement?

A No, sir.

Q There was no request made of him, was there, at that time?

A You mean to recall him back into the room?

Q Yes, and incorporate in the statement the question that was asked by Mr. Parrino and the answer that he gave?

A No, he was not called back.

Q Now, in response to one of the redirect questions put to you by Mr. Parrino, you said that on the 31st day of July upstairs, that he refused to talk to you about the events of the early morning of the 3rd and the events of July 4th; was that your answer?

A Yes, sir.

Q Did he say that he didn't think that you were fair?

A Is that the end of your question?

Q Yes.

A No, he never said anything like that.



Q Did he say that you were unfair?

A No, sir, he didn't say anything like that.

Q Did he say to you, "Why, you accused me on the 4th day of July"?

A No.

Q He didn't make any statement like that?

A No, sir.

Q Now, from the time between the 4th of July and the 31st, you had never inquired from Dr. Sam Sheppard any further in regard to the lie detector test, had you, Officer Schottke?

A No, sir.

Q And it wasn't until the 31st day of July that the subject matter, as far as you are concerned, pertaining to the lie detector test was again engaged in, isn't that correct?

MR. PARRINO: I object.

THE COURT: Objection sustained.

Q Did you at any time in all your conversations use the word "confession"? And if so, on which occasion?

A I don't recall.

Q You don't recall. Now, the conversation regarding the first day of August -- I will withdraw that.

You don't recall, that was your answer to my last question about the confession, is that right?

A Yes, sir.

Q But you have recalled specifically, even though you had

made no written notes and even though you had not reduced until three days later the conversations that you had on the second occasion with Sam Sheppard on July 4th at Bay View Hospital?

MR. PARRINO: Objection.

THE COURT: Yes. The objection will be sustained.

Q Is your memory convenient in that regard, Officer Schottke?

MR. PARRINO: Objection.

THE COURT: Objection sustained.

Q Now, the conversations of the 1st of August that Mr. Parrino went over with you on redirect, did you ever make a record of those conversations?

A No, sir.

Q And you spent how much time on the 1st?

A The 1st of August, about --

Q I think you said 45 minutes?

A No. That was the 3rd of August. On the 1st of August we spent from about 1:15 until about 4:30.

Q About 4:30. And the 31st day of July you spent about four hours?

A That's right. From about 1 o'clock until about 4:30.

Q And on the 5th of August you only spent 45 minutes?

A On the 3rd of August.

Q The 3rd of August?

A Yes, sir.

Q Have you at any time since those conversations reduced anything to writing as to what transpired between yourself, Officer Gareau and the defendant, Dr. Sam Sheppard?

A No, sir.

Q It is not part of any file that you have?

A No, sir.

Q Not part of any file that may be over at the Cleveland Police Station?

A No, sir.

Q Now, the imprint that was found in the sand was that of a woman, wasn't it, the picture that you saw?

A To the best of my knowledge, yes, sir.

Q And was your attention called that morning, Officer Schottke, to some other footprints that were on the beach adjoining the Sheppard home?

A Yes, sir.

Q And where were they located?

A Near the so-called woman's footprint.

Q Did you do anything about that, you personally?

A Myself personally, no.

Q Did Gareau, in your presence, do anything about it?

A Not in my presence.

Q Well, you were out there to investigate this homicide, were you not?

MR. DANACEAU: We object to that.

THE COURT: Objection sustained.

Q And you did nothing about either of the footprints, is that correct?

A Myself personally?

Q Yourself.

A Personally, no.

Q Well, do you think that that is good police investigation?

MR. DANACEAU: Objection.

THE COURT: Objection sustained.

Q Were you fearful that if you did anything regarding those footprints, that they wouldn't correspond with the conclusion that you came to on your second trip to the hospital on the 4th day of July? Was that your concern, Schottke?

A I'm afraid I don't understand your question.

Q Well, I will rephrase it. Your failure to do anything regarding the footprints that you saw in the vicinity of the Sheppard home on the 4th, did that make you fearful that you would have to retract the statement that you made to Sam Sheppard that, "I think you killed your wife, Marilyn"?

A No, sir. That did not make me fearful.

Q Then why didn't you do some investigating regarding those footprints?

A There was investigation done in regards to the footprints.

Q Did you conduct any investigation?

A Myself personally, no.

Q Did Gareau, in your presence?

A Not in my presence, no, sir.

Q Was there an arrangement made by Captain Kerr, who is in charge of the unit that you are connected with, that when Sheppard is arrested, then he would put on some teams to work around the clock with an effort of obtaining a confession?

MR. MAHON: Objection now.

THE COURT: Objection sustained.

MR. GARMONE: That is all I have at this time. Thank you.

FURTHER REDIRECT EXAMINATION OF ROBERT F. SCHOTTKE

By Mr. Parrino:

Q Officer Schottke, these footprints which Mr. Garmone is talking about, did you see some footprints on the beach later that morning at any time?

A Yes, I did.

Q What time did you see these footprints that Mr. Garmone is talking about, please?

A Somewhere around 10:00 to 10:15 a.m.

Q And was that at or about the time that there were people there in the area?

MR. GARMONE: Objection.

MR. PARRINO:

Withdraw that.

MR. GARMONE:

All right.

Q What was the time that you saw those footprints in relation to the time the boy scouts started looking for the missing weapon?

A That was prior to the time the boy scouts were looking for the weapon.

Q You say you personally did not do anything about those footprints, is that correct?

A That's correct.

Q How many footprints were there there on the beach?

A There were the bare footprints and possibly two or three other sets of footprints.

Q Sets of footprints?

A Yes, sir.

Q Now, what time was it that -- withdraw that.

Were you down on that beach earlier that morning?

A No, sir. That was the first time.

MR. PARRINO:

All right. That

is all.

FURTHER RECROSS-EXAMINATION OF ROBERT F. SCHOTKE

By Mr. Garmone:

Q I questioned you Friday regarding this report that was reduced to writing three days after your second visit on

the 4th. Did you bring that report with you today?

A I have it in my possession.

Q May I see it?

MR. PARRINO: If the Court please, at this time I wish to state that Mr. Garmone well knows that the information contained in police reports, many times being highly confidential, the defense counsel are not entitled to those reports as a matter of law, but under the circumstances of this case, since Detective Schottke has that report with him, we have no objection to counsel seeing that particular report that counsel wishes to see at this time.

(To the witness.) Give it to him.

Q Is it the complete report?

A It is the report in regards to the conversations we had with Dr. Sheppard.

MR. PARRINO: Mark that, please.

Q Is it a complete report that you made three days after your visit with Dr. Sheppard on the 4th of July?

A It is not a complete investigating report of everything we done that day.

Q This is only a partial report, is that right?

A Yes, sir.

Q Officer Schottke --

MR. PARRINO: Will you mark that  
please?

(State's Exhibit 49,  
being a police report,  
was marked for identification.)

Q On the 19th day of July in the Cleveland News, did you  
see the report that you prepared on about the 8th of July,  
printed in detail and in full?

A No, sir.

Q If I would show you a copy of the Cleveland News of on  
or about the 18th or 19th of July, 1954, would you be  
able to tell from the contents whether that was the  
complete report that you prepared three days after your  
second visit with Sam Sheppard?

A It could be possible.

Q Well, if the report is so sacred, how come the newspapers  
were able to print it and this jury can't be afforded  
the complete report at this time?

Mr. DANACEAU: Objection.

MR. MAHON: Wait a minute,  
wait a minute. Mr. Garmone says how come they  
cannot have the complete report at this time?

It is here, if he wants it.

MR. GARMONE: Well, he says that



this isn't the complete report.

MR. MAHON: Of the conversation it is the complete report.

THE COURT: He says this is the report, but he says it does not contain all the detailed operations of that day.

MR. PARRINO: And if the court please, I believe Mr. Garmone's original question to Detective Schottke was this: Does he have his report relating to the conversations that he had with the defendant on the 4th of July? And that is exactly what this report is.

THE COURT: That's right, and he referred to it as a complete report and the Officer said it was not a complete report, did not contain all the details of their operations of that day.

That is his testimony. Is that right?

THE WITNESS: That's right, sir, yes, sir.

MR. GARMONE: I am through with this witness with the exception of reading this report, and after I read it, it will probably only take me a couple of minutes to examine him

on it.

May I have the opportunity of reading this?

MR. CORRIGAN: Now, wait a minute,  
Fred.

THE COURT: Do you want him to  
stay here?

MR. GARMOME: Not necessarily.

MR. CORRIGAN: I say, just wait  
a minute.

MR. PARRINO: At this time, your  
Honor, while we are waiting a moment for  
Mr. Corrigan, I wish to offer State's Exhibit  
26, 26-A, 26-B and 26-C.

THE COURT: Let me see what  
they are.

MR. PARRINO: That is the bag,  
the wrist watch --

THE COURT: Just one moment.  
26 is the green bag, 26-A is the watch, 26-B is  
the ring and 26-C is the chain, et cetera?

MR. PARRINO: Yes.

THE COURT: They will all be  
received.

(State's Exhibits 26, 26-A  
B and C were received in  
evidence.)

THE COURT:

Now, gentlemen,

are we through with Mr. Schottke with the possible exception of having a word from him if you find something in this report that you want to ask him about?

By Mr. Garmone:

Q I will ask you to read this article here, and then I will ask you some questions.

MR. MAHON:

You mean read it

to himself?

MR. GARMONE:

To himself, that's

right.

Q Did you read it all?

A Yes, sir.

Q Well, will you read this to yourself?

(Document handed to the witness by Mr. Garmone.)

- 4 Q Have you read this?
- A Yes, sir.
- Q You have read the article that is in the Cleveland News as of August the 2nd, 1954?
- A Yes, sir.
- Q There is a good deal more in the News than there is in this report, isn't there?
- A Yes, sir.
- Q Were you responsible for releasing that to one of the Cleveland newspapers?
- A I was not.
- Q You had knowledge that it was released, had you not?
- A I did not.
- Q Well, it wasn't private and confidential files when your report was printed verbatim in the Cleveland News on August 2nd, 1954, was it, Officer Schottke?
- MR. MAHON: Objection to that.
- THE COURT: Objection sustained.
- Q Now, these two reports here, one designates your first visit and the other your second visit, is that right?
- A Yes, sir.
- Q Well, you didn't tell this Court and jury Friday that you had reduced both of those conversations to writing three days later? You made only reference to the --

MR. MAHON: Objection.

MR. GARMONE:

May I finish?

MR. MAHON:

He was only asked  
about the one.

MR. GARMONE:

May I finish my  
question?

THE COURT:

Objection sustained.

MR. MAHON:

Pardon me if I  
interrupted.

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Q

You only made reference to the conversations that you had  
had on your second visit, July the 4th, is that right, in  
your examination Friday?

MR. MAHON:

Objection, if your  
Honor please. He was only asked concerning the  
second one on Friday.

THE COURT:

Objection will be  
sustained.

Q

Now, these two reports are questions and answers, is that  
right?

A

Yes, sir.

Q

In the form that this report is in, these questions weren't  
put to Sam and then put on paper in his presence, were they?

A

No, sir.

Q

And the answers to those questions are answers that you  
remembered to the best of your recollection, is that right?

A

Yes, sir.

Q Did you ever take either one of these reports over to Dr. Sam Sheppard at any time from the time that you reduced them to writing up until the present day and ask him to look them over and see whether or not that was the conversation in full that was had on those two occasions?

A No, I did not.

Q Is his signature on either one of these reports?

A No, sir.

Q The only signature on them is yours, is that right?

A Yes, sir.

Q Are you sure now, Officer Schottke, that these reports were prepared on the 7th of July, 1954? Take a look at them again.

A Yes, sir.

Q Well, is there any designation on page 3, the second questioning of Dr. Sam Sheppard on July 4th, 1954, in company with Chief Eaton, as to when that was prepared?

A No, sir.

Q Did you ever show Chief Eaton a copy of either one of these reports?

A I never did, no, sir.

Q And the reports that you have brought into this court this morning are depleted of many statements that are contained in the Cleveland News as of August 2nd, 1954?

MR. PARRINO:

I object.

Q

Was that correct?

MR. MAHON: I object.

THE COURT: Objection sustained.

MR. GARMONE: Can I mark this a defense exhibit?

MR. PARRINO: I have already marked it as State's Exhibit No. 49.

MR. GARMONE: I was going to say I would offer it without taking the time of reading it to the jury.

MR. PARRINO: At this time we wish to offer State's Exhibit No. 49, with, I believe, the agreement of defense counsel.

MR. GARMONE: No objection.

MR. CORRIGAN: Well, then, we want the rest of the report, if your Honor please.

THE COURT: It will be received.

(State's Exhibit 49 was offered and received in evidence.)

MR. CORRIGAN: I say, we would like now for this officer to bring in the remainder of his report.

MR. GARMONE: We make that request of your Honor, Judge Blythin.

THE COURT: I don't know what you

mean "remainder of the report."

Gentlemen, I can't order anything I know nothing about.

MR. CORRIGAN: Well, we have just shown, and if the Court wants to read it, that this man's report was published in the Cleveland News on August 2nd. We have it here. He has read it and admitted it.

Now, we want that report brought into court that has been publicized in the Cleveland News.

MR. MAHON: Well, now, wait a minute, I want to object to that. We have the report here that the officer said that he made of conversation that took place. I don't care what is in the Cleveland News or any other newspaper. This is his report that is here.

MR. CORRIGAN: This is only part of his report.

MR. MAHON: The conversation -- all of the conversation. This is his report.

MR. PARRINO: This is exactly what they asked for.

MR. MAHON: And that is what they asked for the other day.



THE COURT: I don't know what the reference is to the Cleveland News. Does the Cleveland News article purport to be a copy of this?

MR. DANACEAU: No.

MR. PETERSILGE: It is a copy of another report.

THE COURT: Now, Mr. Petersilge says now that the Cleveland News article is the copy of another report.

MR. PETERSILGE: Made by this man.

THE COURT: Made by this officer, and that is the report that counsel for the defense is now requesting be brought into court. What is the situation on that?

MR. DANACEAU: We would like to inquire of the witness whether there is any other report on this conversation. If there is any other report on this conversation, we will have no objection to it. If, however, it is a report of a confidential nature between himself and superiors on the progress of the investigation, we will object to that. We would like to ask the witness --

MR. GARMONE: Will you ask him  
the question?

REDIRECT EXAMINATION OF ROBERT F. SCHOTTKÉ

By Mr. Parrino:

Q Now, this report, State's Exhibit No. 49, that you have brought into the courtroom this morning, is that a complete report of the conversation you had with the defendant on the first and second occasion of July 4th?

A To the best of my knowledge and recollection, yes, sir.

Q And did you make a report of that conversation in any other reports other than what you have recorded there?

A No, sir.

Q This, then, in the single report that you have brought into the courtroom contains all of the information as to those conversations, and that conversation is not contained in any other police report, so far as you know, is that correct?

A Yes, sir.

MR. GARMONE: I have no further questions of this officer at this time, but I reserve the right to recall him if we so desire.

MR. CORRIGAN: We request, your Honor, that the report as prepared by him of his investigation of July the 4th, and which has been referred

to in this trial, and which he has read now in the Cleveland News and acknowledges is his report, be brought in for the defense attorneys to examine, and I base my request on the holdings in Montgomery versus The United States, 203 Federal, page 784 --

THE COURT: What is the number?

MR. GARMONE: 894.

MR. CORRIGAN: 203 Federal, 2d, page 894; Lenin versus the United States, 20 Federal 2d, 490 and 493; Little versus The United States --

THE COURT: I didn't get that second citation.

MR. CORRIGAN: Lenin versus The United States, 20 Federal 2d, 490 and 493. Little versus United States, 93 Federal 2d, 401; Montgomery versus United States, 203 Federal 897, all cited with approval in Montgomery versus The United States, the first case that I cited to your Honor.

MR. GARMONE: That is all, Officer.

THE COURT: Let me have a question to the officer now.

Officer, you read that article in the  
Cleveland News that was shown to you?

THE WITNESS: Yes, sir.

THE COURT: Is that a copy of a  
report made by you?

THE WITNESS: No, sir.

MR. GARMONE: Is the Court finished  
with the witness?

THE COURT: Yes.

RE CROSS EXAMINATION OF ROBERT F. SCHOTTKE

By Mr. Garmone:

Q Who was the report made by?

A Detective Gareau.

MR. CORRIGAN: Your partner.

Q Well, you read the article, did you not?

A Yes, sir.

Q Did you see where it stated that "This is a report made  
by Robert Schottke and Gareau" in that article?

A If I can recall correctly, I believe it did say that.

Q And Gareau was the young man that worked with you from the  
4th day of July in this investigation, is that right?

A We worked together before that.

Q Well, I mean --

A Oh, yes, he and I worked together.

Q You were sent out with Gareau, is that correct?

A Yes, sir.

Q And you worked in conjunction together on this case, is that right?

A Yes, sir.

Q Every time you questioned Sam, you testified here, on the 31st, the 1st of August, the 3rd of August, Gareau was always with you, wasn't he?

A Yes, sir.

Q Gareau was with you on the 4th on both occasions, wasn't he?

A Yes, sir.

Q And Gareau was with you every time you did anything relative to the investigation and the murder of Marilyn Sheppard, wasn't he?

A He wasn't with me at all times. In other words, we weren't side-by-side together at all times.

Q But you went out on the assignment together, didn't you?

A Yes, sir.

MR. GARMONE: That is all.

MR. PARRINO: That is all.

(Witness excused.)

THE COURT: We are close enough to a recess. I suppose we better have a few minutes' recess at this point, and please do not

discuss this case, ladies and gentlemen.

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(Thereupon a recess was taken at 10:35  
o'clock a.m.)

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(After recess, 10:50 o'clock, a.m.)

MR. MAHON: This witness  
has not been sworn, your Honor.

Thereupon, the State, further to maintain  
the issues on its part to be maintained, called  
as a witness DR. LESTER T. HOVERSTEN who, being  
first duly sworn, testified as follows:

DIRECT EXAMINATION OF DR. LESTER T. HOVERSTEN

By Mr. Mahon:

Q Will you tell us your name, please?

A Lester Hoversten.

MR. PARRINO: Just a moment,  
John.

MR. GARMONE: Go ahead.

Q And where do you live, sir?

A Glendale, California.

Q And what is your business or profession?

A A physician and surgeon.

Q And how long have you been a physician and surgeon,  
Doctor?

A Since my graduation from medical school in 1948.

Q You are an osteopathic physician?

A That is right, yes.

Q And what school did you go to, Doctor?

A I had my pre-medical work at the University of Iowa, finished my undergraduate work at the University of Southern California, took my medical work at the College of Osteopathic Physicians and Surgeons in Los Angeles.

Q Do you know Dr. Sam Sheppard?

A Yes, I do.

Q And when did you first meet him, Doctor?

A I first met Dr. Sam in the fall of 1944 as a freshman in medical school.

Q And that was in where?

A In Los Angeles.

Q And is that when he was a freshman?

A We were first year medical students at that medical school.

Q You started at the same time?

A Yes.

Q And did you go through school together?

A Yes.

Q And did you graduate together?

A Yes.

Q And when did you graduate?

A I graduated in June of 1948.

Q After you graduated, what did you do?

A I interned at the Los Angeles County Hospital for a year, then spent two and a half more years as a resident physician.



Q And where did Sam intern?

A Sam interned at the Los Angeles County Hospital.

Q You were both at the same hospital --

A Yes.

Q -- during that period?

A That is correct.

Q And what was your association with Sam during that period, Doctor?

A I would say my association was as a friend and as a colleague working together at the hospital.

Q Were you very close?

A Yes, I would say so.

Q Do you recall when he was married?

A I do not recall the exact date. I was not present at the wedding.

Q Do you know the year?

A I think it was in 1945.

Q Did you know his wife before he was married?

A No.

Q After his marriage, did you become acquainted with her?

A Yes, I did.

Q And when, how long after the marriage?

A I think it was probably a month or two.

Q And did you have social contacts with Sam and his wife after his marriage?

A Yes, that is correct.

Q You called at their home, did you?

A Yes.

Q Were you married at that time, Doctor?

A No, I was not.

Q You did later marry, did you?

A Yes.

Q And when did you marry?

A I was married February 22nd, 1951.

Q And did Sam attend your wedding?

A Sam was my best man.

Q Did you eventually come to Cleveland?

A Yes.

Q And when did you come to Cleveland?

A I came to Cleveland in the middle of July, 1952.

THE COURT: 1952?

THE WITNESS: Yes.

Q And where was Sam at at that time?

A Sam was on the staff at the Bay View Hospital.

Q That is in Bay View --

A In Bay Village.

Q I see. And he preceded you to Bay Village?

A Yes.

Q Do you know when he left Los Angeles to come to Bay Village?

A I do not recall exactly. I think it was near the early

377-1

summer of '51, but I am not sure of the date.

Q And you came in July, did you say, of '52?

A July of '52.

Q And had you corresponded with anyone concerning coming here before you came?

A Yes.

Q And who was that with?

A With Dr. Sam.

Q And did you come here at his request?

A Not solely. The hospital had an opening for a position as a surgical resident, and I applied for that.

Q Now, after Sam's marriage, and specifically in 1950, did you ever have any conversation with Sam in reference to his marriage?

A Yes.

Q And can you tell us about when that was, Doctor?

A I do not recall the exact date. It was, I think, in the summer of 1950 because it was previous to the usual time the residents took their annual vacation.

Q And at the time you had some talk with Sam, did you?

A Yes, sir.

Q And do you know where his wife, Marilyn, was at the time that you had that talk?

A She had preceded him to Cleveland preceding his vacation. The residents have only two weeks' vacation, that's a

short time when you have to make a long trip, and she went a little ahead of time.

Q And was it while she was gone or after she had left on that occasion that you had this talk with Sam?

A Yes, that is correct.

Q Will you relate what that talk was about?

MR. GARMONE: Objection.

MR. CORRIGAN: Objection.

THE COURT: What is the basis of the objection?

MR. GARMONE: This was 1950.

MR. CORRIGAN: Too remote, 1950.

THE COURT: Oh, I don't think that is sufficient, at the moment, at least.

He may answer.

MR. CORRIGAN: Except.

A Dr. Sam asked my advice on a letter which he had written to Marilyn, and I asked him as a favor not to send it at that time but to wait until he could speak to her in person.

MR. CORRIGAN: Ask the answer be stricken.

Q Did you read the letter, Doctor?

A Yes, I did.

Q You said you did read the letter?

A Yes, that is correct.

Q And will you tell us the substance of the letter?

MR. CORRIGAN: Objection.

THE COURT: He may answer that.

A I do not recall the detailed substance of the letter.  
It was to the effect that he was concerned about his  
marriage and --

Q By the way, who was the letter directed to?

A The letter was directed to his wife, Marilyn. He was concerned regarding his marriage and wanted to tell her how he felt, and he felt, according to his views with me, that he wanted to consider the possibility of a divorce.

MR. CORRIGAN: Ask the answer  
be stricken.

THE COURT: Overruled.

the 6 Q And after you read that letter did you have some talk with Sam?

A Yes.

Q Will you relate that conversation, please?

MR. CORRIGAN: Object.

THE COURT: He may answer.

MR. CORRIGAN: When was it?

MR. MAHON: 1950.

MR. CORRIGAN: Can we get the month?

Q Do you know about what month it was, Doctor?

A I'm sorry, I do not know the month.

Q Do you know the period of the year?

A It was in the summer.

Q In the summer of 1950. All right.

Now, will you relate the conversation you had with Sam in reference to the contents of that letter?

MR. CORRIGAN: Object.

THE COURT: He may answer.

A I read the letter and felt that --

MR. CORRIGAN: Object to what he felt.

THE COURT: Yes.

Q Not what you felt. What was said?

THE COURT: What was said?

MR. CORRIGAN: Object.

A I advised Dr. Sam not to send the letter, but to wait until he could see Marilyn and speak to her in person.

MR. CORRIGAN: Object to the answer as not responsive. "I advised Dr. Sam." We are interested in what was said, in what he said.

MR. DANACEAU: That is what he said.

THE COURT: That is what he said. He said he advised, it is true. That means speech, certainly.

Q Anything further, Doctor?

A And it is my impression that Dr. Sam did not send the letter.

MR. CORRIGAN: Object to what his impression was and ask it be stricken.

Q You can't give us your impressions, Doctor, but did you have any further conversation about that letter?

THE COURT: Yes or no.

A Not at that time.

Q Did you at a later date have some conversation with him about that letter?

A Yes.

Q And how long after this first conversation?

A It was within a week, if I recall correctly.

Q And what conversation was had then?

MR. CORRIGAN: Object.

THE COURT:

He may answer.

A

I don't recall the exact words, but Dr. Sam was disturbed over a telephone conversation he received from his father. I told him that he should realize that his father had his best interests at heart, and he calmed down and seemed to be more relieved.

MR. CORRIGAN:

I didn't get that.

"Calmed down." Object to that and ask it be stricken out.

THE COURT:

Oh, no. He has already testified that Sam was disturbed about some conversation he had with his father.

MR. CORRIGAN:

Well, "calmed down," that is a conclusion.

THE COURT:

Overruled.

Q

Did you tell him to calm down, or what was that about calmed down?

A

When I tried to make him realize that his father had his best interests at heart --

MR. CORRIGAN:

Object to that, when he tried to make him realize. I ask that the witness be confined to conversations.

THE COURT:

This is what you said to him?

THE WITNESS:

Yes. I told Dr. Sam



in plain English definite words that his father had his best interests at heart, and that he should realize that.

Q Did he tell you what his father had said to him over the phone?

A No. I do not recall exactly, except it was to this effect:

That he felt that Sam should realize his responsibility as a husband and a father in this marriage situation.

Q Do you recall anything further of that conversation, Doctor?

A No, I'm sorry, I cannot.

Q Do you recall when Chip was born?

A Not the exact date. I recall shortly after he was born.

Q And when Mrs. Sheppard came on to Cleveland on the occasion that you have just related, did she take Chip along with her?

A Yes.

Q Well, now, after that conversation that you had concerning a telephone call from his father, did you have any further conversation with him about that subject?

A No further conversation regarding his father's call, that I know of.

Q Was there any further conversation at that time or on or about that time concerning his wife, Marilyn?

A There may have been, but I don't recall any specific incident.

Q While his wife Marilyn was away on vacation at that time, did he associate with any other women in California?

MR. CORRIGAN: Object.

THE COURT: You mean did Sam?

MR. MAHON: Yes, the defendant.

THE COURT: Well, if he knows.

A I do not know of any specific instance at any time where I saw Sam with any other woman other than his wife.

Q Did you at any time go out with him and some other women?

MR. CORRIGAN: Objection.

MR. GARMONE: Objection. He has answered to a previous question that he does not know of any time when he ever saw Dr. Sam Sheppard with any other woman other than his wife.

THE COURT: Yes, but this question improves a little more. He may answer.

A Dr. Sam was my guest several times at my home, and one of those times is when Marilyn had already left for Cleveland. I took him along with me to visit other friends, and on such an occasion or occasions he undoubtedly met other women, friends of mine.

Q Do you know a Margaret **Kauzer**?

A Yes, I do.

MR. CORRIGAN: How do you spell that?

MR. PARRINO: K-a-u-z-o-r.

Q Do you know whether or not he was ever in her company or not?

MR. CORRIGAN: Object.

THE COURT: He may answer.

A He has been in her company, but as my guest. I have never seen him with her on a date or otherwise.

Q Now, after you came to Cleveland, which was July of 1952, you worked at the Bay View Hospital, is that right?

A Yes, that's correct.

Q By the way, when did you leave Bay View Hospital?

A I left Bay View Hospital approximately October 15, 1953.

Q Well, now, during the time that you were at Bay View Hospital, did you have any conversation with Sam in reference to his wife, Marilyn?

MR. CORRIGAN: Object.

THE COURT: He may answer.

MR. GARMONE: We object to the question as to its form. It is leading and includes an assumption.

THE COURT: He can answer that yes or no. He is asking if he had any conversation.

A Yes.

Q And can you tell us when that was, Doctor?

A Well, we had probably conversations at several times. Are you referring to --

Q Well, was there a conversation at any time concerning the

marital state?

A Yes.

Q And when did that conversation take place?

A The only one I recall was sometime in the spring of 1953.

Q And where did that take place?

A That took place in his office.

Q And where is the office at?

A Fairview Park.

Q That is separate from the hospital, is it not?

A Yes, that's correct.

Q Is there a clinic there in Fairview Park?

A Yes. I think it is listed as an Emergency Clinic.

Q That is on Lorain Road?

A Lorain Road.

Q And the hospital is on West Lake Road?

A That's correct.

Q Now, will you relate to the Court and jury the conversation that was had at that time?

MR. GARMONE: Objection.

THE COURT: He may answer.

MR. GARMONE: Exception.

A I don't know how the subject came up -- I do not recall exactly -- about the possibility of divorce, but I remember asking him if he had talked to his parents, and he said that he had, or that he intended to talk with them --

MR. GARMONE: I didn't hear the  
last part, Doctor.

A I do not recall how the subject came up, but I asked him if he had talked to his parents about it, and I remember distinctly advising him to go slow and be careful because he should realize that Marilyn was a wonderful wife in many respects, she was tolerant and considerate and probably more so than any other girl might be, and that he might actually be jumping from the frying pan into the fire.

Q And what was the conversation about, Doctor?

A It was regarding the possibility of a divorce.

Q Was there anything further said on that occasion?

A No. I know he agreed that she had many fine qualities. I don't recall anything further at the time.

Q Did you have any conversation on that same subject after that at any time?

A No, not that I recall.

Q When you first came to the Bay View Hospital, where did you live?

A When I first started there as a resident in July of '52, I stayed for a few weeks with Dr. Sam and Marilyn at their home on Lake Road.

Q And can you tell us how long you stayed there at the home?

A I think it was approximately six weeks.

Q And where did you live after that?

A I then moved to an apartment which they had prepared above the Emergency Clinic or the Sheppard Clinic in Fairview Park.

Q And was that Clinic in a two-story building?

A Yes, that is a two-story building. The apartment was on the second floor.

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Q The offices were on the first floor?

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A That is correct.

Q And who else lived there in that apartment?

A Dr. Stevenson, Dr. Sellink and myself were assigned to the apartment, as we were the only bachelors at the time at Bay View Hospital.

Q And those other doctors whose names you mentioned also worked at Bay View Hospital?

A Yes, they were interns at Bay View Hospital at that time.

Q And how long did you live at that apartment above the clinic, Doctor?

A I lived there until I left Bay View in October of 1953.

Q And where did you go when you left Bay View Hospital?

A I went to the Grand View Hospital in Dayton.

Q And how long did you remain there?

A I remained there until July 1, 1954.

Q During the period that you were at that hospital, did you visit here in Cleveland or Bay Village?

A Yes. I came up here several times.

Q And on those occasions, where did you stay?

A On every occasion except my last visit I stayed with Dr. and Mrs. Robert Bailey. They were then living in the apartment above the offices in Fairview Park.

Q Now, after you left the hospital in Dayton, did you come to Cleveland or to Bay Village?

A Yes. I arrived here Thursday evening, July 1st.

Q And before you came here had you had any talk or correspondence with Sam Sheppard?

A Yes, I had.

Q And what did that correspondence relate to?

A Well, I told him of my plans and that I was leaving Bay -- or Dayton, and that before going on to California I should like to stop up and visit him.

Q And did you hear from him?

A Yes.

Q And what did he say?

A He invited me to come up and spend a few days.

Q And when did you arrive in Bay Village?

A I arrived at Dr. Sam's house, at his home approximately 7:30 p.m. on July 1st.

Q That is July 1st of 1954?

A '54.

Q And who did you see when you arrived?

A When I arrived, Dr. Sam and his wife, Marilyn, and their son, Chip, were at home.

Q Did you come by automobile?

A Yes. I drove my car.

Q What did you do after you arrived?

A I visited him for about an hour, and I told him that I had a dinner date for that evening, so I asked him if he would



excuse me. And he took me upstairs and showed me my room, and then I shaved and got dressed, ready, and went out to keep my dinner date.

Q Now, the room that was assigned to you, where was that room, what location in the house?

A That was the far east bedroom on the second floor.

Q And do you enter that bedroom from the hall?

A Yes; not directly, however. There is a small room between the hall and the entrance to the bedroom proper.

Q Is that the room they call a dressing room?

A I think so.

Q And from the hall you enter into this dressing room?

A Yes.

Q Small room?

A Yes.

Q And from that room you enter into the bedroom?

A Yes.

Q And that is the bedroom that you occupied?

A That's correct.

Q And what luggage did you have when you arrived there, Doctor?

A Well, I had a great deal, too much. I had, if I remember correctly, three large pieces -- I know two large ones and a small cowhide leather case, and also a piece of luggage which I think they most commonly speak of as a val pack

wherein you place yoursuits and topcoats so they can hang out full length. I had a lot of other things, too, but I didn't bring them into the house. I stored some in the garage and the rest I left in my car.

Q Did you take all of your luggage up to the room?

A Yes.

Q Now, you left the house there at what time that night?

A Thursday evening I left the house approximately 8:30.

Q And when did you return?

A -- returned approximately 11:30 p.m.

Q And who was there at that time, if anyone?

A Dr. Sam -- well, the entire family was there. Dr. Sam was still up sitting in the living room looking at the TV.

Q And did you have some talk with him there?

A Yes. We talked briefly. I think I mentioned something to the effect -- or, he asked me if I wanted to -- I remember he asked me if I wanted to watch TV for a while, and I said, no, I was rather tired from my trip and I would just as soon go to bed. So we both went upstairs. I remember we went through the living room. I went over to the far corner and turned on a light, a floor lamp, and then we went on upstairs. I went on to my room and he to his room.

Q Now, what did you do the next day, Doctor?

A The next day we got up in the morning, I think it was about

8 a.m. or near there, and we had breakfast together and then drove together to the hospital, he in his Jaguar and I in my Ford. We parked and went on in, and I greeted old friends, the telephone operator and surgical nurse, and met a number of the doctors, observed some surgery out at the hospital.

Q How long did you remain at the hospital that day?

A It must have been a little after 11 a.m., because I had an appointment with Dr. Anderson, chiropodist in Fairview Park, for treatment of a foot ailment at 11:30, and I know I was there for that appointment.

Q When did you next return to the Sheppard home?

A I visited friends that afternoon and made some calls that evening, and then I returned late Friday evening at approximately 12:30 a.m.

Q And who, if anyone, was up at the home at that time?

A There was no one up at the time. I walked in the front door. It wasn't locked, as usual, and --

Q Now, when you say the front door, which door do you mean?

A The door leading to the road.

Q To the road?

A Yes.

Q Well, we have been designating that as the back door.

A Oh, pardon me.

Q It is the Lake Road door that you entered?

A Yes, the Lake Road door. And I remember turning on the halllight. The light switches had been changed since I last was there, and I wasn't sure whether the light was leading across from the hallway across the kitchen to the stairs.

I went through the kitchen. I petted the dog briefly and then went upstairs, and as I reached the top of the stairs Marilyn asked, "Is that you, Les?"

And I said, "Yes."

She asked me if I locked the front door and I said, "No, I didn't."

Then she said, "Well, that is good because I expect the maid in the morning to come here and clean the house and if she comes before we get up, I want her to be able to get in."

And I said goodnight and went on to my room.

Q And did you occupy the same room?

A Yes.

Q Tell us whether or not that bed was made up when you arrived there that night, Doctor?

A Yes. When I first arrived there, it was made up.

Q That was the first night. You arrived there on a Thursday?

A Yes, Thursday night.

Q It was made up then?

A Yes.

Q Now, on Friday night when you came in, was it made up?

A I think so. I don't recall for sure. I know it wasn't made up the other night.

Q What other night?

A Well, let's see, I came back Friday -- Saturday noon, that's when it wasn't made up, before I left for Kent.

Q Well, then, Friday night you slept there, and what time did you get up Saturday morning?

A Well, it was approximately 8 a.m. because I remember we had breakfast together again, and Sam and I again drove to the hospital, he in his Jaguar and I in my Ford.

Q And how long did you remain at the hospital on that occasion?

A I think before noon I may have driven off to visit -- sometime before noon, I don't recall for sure, but I do know that I had a late luncheon and talked with Mr. Lease the administrator, and then after luncheon I don't know what I did in the next hour or so, but about the middle of the afternoon I went out to Sam's home, dressed and packed my --

Q Now, when you went out to the home, about what time was it?

A I think it was between 3 and 4 p.m.

Q And who, if anyone, was there at that time?

A Marilyn was there. I don't recall seeing Chip, but he probably was out playing.

Marilyn was in the kitchen baking a pie.

Q And what did you do when you arrived there?

A Well, I went upstairs and cleaned up, shaved and packed my luggage ~~And~~ my small suitcase and got ready to leave. Marilyn asked me if I would be home for dinner and I said, no, I was going to Kent.

Q When you left there that afternoon, tell us whether or not that bed was made up?

A No, it was not.

Q What time did you leave the house then, Doctor?

A It must have been very close to 4 p.m.

Q And where did you go when you left the house?

A I went to a golf driving range on Brookside Park. I do not know the name of it. It's the only one there, I think.

Q At Brookside Park?

A I don't know whether that's Brookside Park Road or Brookpark Road.

Q Brookpark Road?

A That may be the name of it. I don't know. I stopped there and hit out two large buckets of golf balls. That took me approximately two hours.

Q And then where did you go?

A Then I drove directly to Dr. Stevenson's home in Kent, Ohio.

Q And what time did you arrive there?

A It must have been very close to seven. When I arrived

there, Mrs. Stevenson greeted me and said that her husband and son, Robert, were out at the golf course practicing putting, and if I wished to, I could go out to meet them there before dinner, which I did.

Q And you met -- are there two Dr. Stevensons?

A Yes. There's Dr. Stevenson, Sr., and his son, Dr. Robert.

Q And had you known both of them before that time?

A Yes.

Q And who was the first one that you knew?

A Dr. Robert.

Q That is the son?

A That's correct.

Q And how did you meet him?

A I met him while he was an intern at Bay View Hospital.

Q And did he live with his parents in Kent?

A Yes.

Q And then after meeting the two Dr. Stevensons at the golf course, where did you go then?

A Dr. Stevenson, Sr., rode back with me in my car to his home and Dr. Robert followed in his car.

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Q What time did you arrive at the Stevenson home at that time?

A From the golf course, I think it must have been approximately 7:30.

Q And then what did you do after that at home?

A We had a leisurely dinner, and visited, and then later in the evening we turned the radio to the Cleveland Indians-Chicago White Sox baseball game, and we stayed up a little later than we had intended because it went 15 innings, and we wanted to see how it would come out, so it was pretty close to 1:00 a.m., I think, when we retired in the morning.

Q Where do the Stevensons live in Kent?

A I do not recall their address.

Q Do you know what street it is on?

A No, I do not recall that, either.

Q How?

A I do not recall.

Q Do they have an office outside of the home?

A Yes.

Q And where is the office located?

A The office is located somewhere downtown in the business district.

Q And are both of the doctors in the same office, or do they have different offices?

A I have never visited their office, but it is my impression



that they have the same office.

Q Now, what time did you retire that night?

A It must have been very close to 1:00 a.m.

Q And what room did you occupy in the Stevensons' home?

A I occupied the guest room on the third floor.

Q And during the night, or sometime after you retired, did you do anything? Did anything disturb you?

A Oh, yes, definitely.

Q Tell us about that.

A After going to bed, why, their large Dalmatian dog, who ordinarily slept on the second floor in what is called the library or the den -- the library and the den was between the hallway at the head of the stairs, and the stairs leading to the third floor guest room -- so the dog -- my door at the foot of the stairs was open, and the dog came upstairs, so I patted him briefly, and he crawled under the bed, and I thought, well, that's all right, I don't mind that, I have got a dog myself, but after a while he made peculiar noises, or something like a dog when he yawns. I thought, well, after one or two yawns he will be asleep, but he kept it up, so I felt that if I was going to get any sleep, why, I had better put him back downstairs, so I got up and took the dog down the stairs and shut the door so he couldn't come back up, and went on back upstairs to bed.

Q And what time did you get up that morning, Doctor?

A Dr. Robert awakened me approximately a little before 8 a.m., I think it was.

Q What did you do after you got up?

A We got up and had breakfast, and then his father and I drove on out to the golf course where we played 18 holes of golf.

Q And what did you do after you completed your golf game?

A We then came back to the Stevenson residence, and it was approximately 2:15 p.m., and Mrs. Stevenson said that there had been some calls, and just at that time as we entered, a call came from Cleveland for me, ~~that~~ is, from Detective Gareau, and he told me of the tragedy in Bay Village and asked me to return as quickly as possible.

Q And what did you do following that?

A I had a quick lunch, and then got in my car and drove to the Chief of Police in Bay Village.

Q How far is Kent from Bay Village?

A I think it is approximately 40 miles. I haven't checked it on the speedometer, though.

Q What time did you arrive at the Bay Village police station?

A It was approximately 4 p.m.

Q And who did you see there?

A I do not recall the name of the officer, but he escorted me to Sam's home immediately, where I met Chief of Police Eaton and Dr. Gerber.

Q That was on the 4th of July, was it?

A Sunday afternoon, July 4th.

Q And what did you see at the house there when you arrived?

A Well, there were several cars in the yard. A police officer escorted me in the Lake Road door, took me immediately upstairs, and he introduced me to Dr. Gerber and Chief of Police Eaton.

Q And then what did you do?

A They asked me to examine my luggage and personal belongings in the room --

MR. CORRIGAN: Wait a minute.

Object to the conversation between Chief Eaton and Gerber and himself.

THE COURT: Objection will be sustained as to conversation.

Q You can't tell us the conversation, Doctor, but did they ask you to do something?

A Yes. They asked --

Q You can't tell us what they said to you. They asked you to do something?

A Yes.

Q And what did you do after they talked to you?

A I examined my luggage and I examined some of my personal belongings, including a leather secretary on the dresser on the north wall, and my suits in the closet, especially

the blue one in which I had some currency.

Q How much currency did you have in that suit?

A I think it was \$50.

Q And that was in there when you left on Saturday?

A Yes.

Q When you examined it on Sunday, the 4th, tell us whether or not it was there.

A Yes, it was there.

Q It was there. Now, you examined the secretary, you said?

A Yes.

Q What is that? What do you mean by secretary?

A It is a leather folding case to contain bills and envelopes and personal papers.

Q And had you left that at the house there?

A Yes.

Q And where had you left it?

A I had left it on the dresser, standing against the north wall.

Q What had it contained when you left?

A It contained one certified check and one insurance check.

Q What was the amount of the checks?

A The insurance check was \$40, and I do not recall exactly how much the certified check was. Not over a hundred.

Q Not over a hundred dollars?

A I don't think so.

Q Anything else in that secretary?

A It had a few small snapshots. There may have been a few other papers, I don't recall.

Q Now, when you examined that on Sunday, was any of that property missing?

A None of it was missing.

Q Did you examine anything else then there?

A Yes. I went through my luggage briefly and hurriedly. I usually know how I pack things, and I didn't see anything missing.

Q Did you observe the bed, Doctor, on that occasion as to whether or not it was made up or not?

A Yes, I did.

Q And tell us whether or not it was made up.

A It was not made up. The bed looked to me almost exactly as it did when I had left.

3 Q When you left on Saturday?

A Yes.

Q Did you have any of your luggage on the floor there, Doctor?

A Yes, I had nearly all my luggage on the floor. It was scattered all over all around the periphery of the room. The closets were quite full, and I was expecting to leave in just a few days, so that I didn't want to unpack my luggage. I just left it as it was.

Q Now, you say the closets were quite full?

A Yes.

Q You mean that they were full when you arrived there?

A Yes.

Q There wasn't room for your articles, is that what you mean?

A I hung my suits in the closet.

Q But your luggage you left in the room?

A Yes.

Q Out in the room in the open, is that right?

A That's right.

Q Now, what else did you observe about the house there on that occasion, Doctor?

A I observed immediately, as I reached the head of the stairs, the mattress on Sam and Marilyn's bedroom -- the mattress on the bed closest to the door, it was discolored almost the full length.

Q Did the police there or the authorities there talk to you about where you had been?

A Yes.

Q And you told them?

A Yes.

Q Where did you go after you left the house on that occasion, Doctor?

A I went to the home of Dr. Richard N. Sheppard, Sam's brother, and there I met Dr. Steve Sheppard's wife and Dr. Richard's wife, and shortly after that, within a matter of minutes, Dr. Sheppard, Sr., arrived.

Q Where is Dr. Richard Sheppard, Jr.'s home at?

A The first home west of the hospital.

Q That is on West Lake Road, also?

A Yes.

Q Well, now, after you met those people at his home, what did you do following that?

A Dr. Sheppard, Sr., asked me --

MR. GARMONE: Object to any  
conversation.

Q Yes, you can't tell us the conversation. You had some conversation with Dr. Sheppard, Sr.?

A Yes.

Q And then what did you do, Doctor?

A Then Dr. Sheppard, Sr., and I drove over to his home, the first home east of the hospital, and he showed me his home. He had just moved in and I had never seen it before.

Q And then what did you do following that?

A Following that we went back to the hospital. Dr. Sheppard, Sr., made his rounds to visit patients, and I remember asking him if he thought it was all right for me to see Sam, and he said, well, Sam has been through considerable -- he has been through considerable today, I'd better wait until the next day.

Q So you did not see Sam that day then?

A I did not see Sam on that day.

Q That was Sunday, the 4th?

A Sunday, the 4th.

Q And then what did you do following that, Doctor? Where did you stay that night?

A I stayed at the hospital in the interns' quarters. Dr. Sheppard, Sr., had invited me to stay at his home, but I talked with Mrs. Sheppard and learned that the upstairs bedrooms had not been prepared yet.

Q So you remained at the hospital there that night?

A Yes.

Q The interns' quarters there?

A That's correct.

Q And then the following morning, that would be the 5th of July, Monday, what did you do -- what time did you get up?

A Well, I don't remember for sure what time. I usually arise fairly --

Q Approximately what time?

A Approximately 7, I think.

Q And what did you do following that?

A I had breakfast. I think I observed surgery for a while. I know later that afternoon I visited Dr. Sam.

Q Do you know about what time it was that you visited him?

A I think it must have been approximately 5 or 6 p.m.

Q And where was Sam when you visited him?

A Sam was in a room in the new unit. I do not recall the



room number.

Q Is that on the first floor?

A Yes.

Q And when you entered the room who did you see?

A I saw Dr. Sam lying in bed.

Q Was there anyone else in the room at that time?

A No one else at that time. There was just a guard just outside at the door.

Q How?

A There was a guard -- a police guard just outside at the door.

Q And did you have some talk with Sam when you entered?

A Yes. I walked up to his bed, and, as I recall correctly, I took his hand, and Dr. Sam started to cry, and I remember he said, "My God, I wish they'd have killed me instead of Marilyn. Chip needs Marilyn more as a mother than he does me."

Sam didn't say too much, and I tried to comfort him as best I could.

Q Is that about all that was said?

A No. I remember also saying that I didn't know how much it would benefit him, but I told him that when I had gone through the disappointment of my marriage and trying to recover, why, I had heard a radio broadcast speaker to the effect that he wanted to give his reasons why undue grief

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or giving way to undue emotion was detrimental both from the psychological standpoint and also a moral standpoint.

I remember telling him that excessive grief can tear you apart to the extent you cannot be at your best to serve your fellow-man or yourself, and that he should try to control his emotions and keep them on an even keel.

I remember just before I left, he thanked me, said that he felt that I had helped him.

Q Well, while you were in there talking to him, Doctor, did anyone else come in?

A Oh, yes.

Q And who came in?

A Dr. Steve.

Q Will you relate what happened after he came in?

A Well, Dr. Steve seemed very startled --

MR. GARMONE: Object to any  
conversations now, or any conclusions as to what  
may relate to Dr. Steve.

Q Was this in the presence of Sam?

A Yes.

THE COURT: Objection will be  
overruled.

Q Tell us what occurred there, Doctor.

A Dr. Steve seemed startled to see me, and also provoked.

I do not remember his exact words, but it was to the

effect that, how I got in there, and that I should get out of there, and then Sam interposed and said, "Well, I asked him to come in," because previous to going in to see him, I had asked the nurse if I might stop in and see Sam, and he passed the word that he would like to see me, so Steve immediately walked out and came back shortly and apologized, saying that he had been under considerable tension, and that he had left strict orders that anyone who saw Sam, he was to be notified first.

Q Anything further said?

A Well, shortly after that I left the room. However, before doing so, Steve advised Sam to go over the sequence of events as they happened, so that he would be sure to have his story straight.

Q Steve said that in your presence?

A Yes.

Q And what did Sam say, if anything?

A I don't recall Sam saying anything. Sam was pretty quiet.

Q How long were you in the room there altogether, Doctor?

A Oh, I don't think over 20 minutes. I stepped out. I felt that they wanted -- might want to discuss something personal, and I stepped out.

Q And when you stepped out, did Steve remain in there?

A Yes, for a short while.

Q How long of that 20-minute period was it that Steve was

in the room while you were in there?

A Not very long. You see, I left shortly after Steve arrived. I think, if I recall correctly, before leaving on that day, Dr. Sheppard, Sr., walked in before I left. If I remember correctly -- yes, I remember now. Mrs. Sheppard also came.

Q That is Sam's mother?

A Yes.

Q And his father?

A Yes.

Q I see. And you and Steve were there at that time?

A Yes.

Q And did you leave before they did?

A Yes.

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Q Where did you go then, Doctor?

A I think I visited some friends in Bay Village.

Q And where did you stay that night?

A I stayed in the interns' quarters, Bay View Hospital.

Q At the hospital. By the way, when you went in to see Sam on that Monday, what was his appearance?

A His face was quite swollen and distorted, one eye was slightly discolored. He complained of a little pain. I remember he also complained of his hands or knuckles being sore.

And, of course, he was unusually quiet.

Q Where did he complain that the pain was, Doctor?

A Well, he complained of pain, sort of a headache as well as pain on the side of his face and slight pain in the knuckles.

Q Did you see Sam after the 5th of July?

A Yes. I saw him, I think, nearly every day until I left.

Q When did you leave, Doctor?

A I left Cleveland the morning of July -- I left on the Tuesday morning following. That was July 13th. Yes, that would be July 13th, Tuesday morning.

Q And where had you been staying just before you left?

A I was staying with Dr. Steve. I went to Dr. Steve's house the Wednesday evening preceding.

Q That would be the 7th of July you went to his house?

A Yes, that is correct.

Q And you remained there until you left on the 13th?

A Yes.

Q Is that right?

A Yes.

Q Where did Dr. Steve live?

A Dr. Steve lived on Englewood Street or Drive, I don't recall which, in Rocky River.

Q Now, the police questioned you, did they not, after you returned from Kent?

A Yes.

Q That was the Bay Village police?

A On Tuesday, July 6th, at approximately 4 p.m. I went over to the Bay Village Police Department and was interviewed and questioned by Deputy Sheriff Rossbach and his assistant, and I gave a deposition and sworn statement at that time.

Q And then were you later questioned by someone else?

A Yes. The following Friday, I believe it was, I was questioned in your office by you and Parrino, Detective Schottke and Gareau.

Q Anyone else question you?

A Yes. Then on Saturday again following my questioning in your office on Friday I was questioned in the County Jail by Deputy Sheriff Rossbach and his assistant.

Q Any further questioning outside of that?

A No. I do not recall any further questioning.

Q And then you left on the 13th of July, you left Cleveland or Bay Village, is that right?

A Yes, that is correct.

Q And where did you go?

A I left for Iowa, spent a couple days visiting an attorney friend of mine in Iowa City.

Q You were driving?

A Yes.

MR. CORRIGAN: What city was that?

THE WITNESS: Iowa City, Iowa.

MR. CORRIGAN: Iowa City?

THE WITNESS: University of Iowa.

Q And then did you eventually get to California?

A Yes.

Q And when did you arrive in California, Doctor?

A It was about 10, 12 days after leaving here, but I also stopped to visit relatives in central Iowa. I remember while there I became ill and stayed longer than I intended and then went on to California. But I think probably I arrived in California about July 25th, or something like that, I believe.

Q Now, did you return to Cleveland after that at any time?

A Yes. I returned to Cleveland on August 11, 1954.

Q And was that at a request that you return here?

A Yes. Two intelligence officers of the Los Angeles Police came to my home and said --

MR. GARMONE: Object to any  
conversation.

Q You can't tell us the conversation, but at a request you came on to Cleveland here, did you?

A Yes.

Q And did you talk to -- when did you arrive in Cleveland?

A I arrived in Cleveland approximately 10 p.m., I believe, on I believe it was Wednesday, August 11th.

Q And what was the means of transportation that you used at that time?

A I came by United Air Lines plane.

Q And who did you see when you arrived in Cleveland on that occasion?

A On that occasion I saw County Prosecutor Frank Cullitan, Assistant Prosecutor Mr. Mahon and his assistant, Mr. Parrino; Dr. Gerber; Captain Kerr and Detective Lockwood and Chief of Police Frank Story; Inspector McArthur, who had requested me to come, he was there, also.

Q And how long did you remain in Cleveland on that occasion, Doctor?

A I believe it was nine days.

Q And while you were here on that occasion, did you testify



before the Grand Jury?

A Yes, I did.

Q And following that, did you return to California?

A Yes.

Q And when did you next come to Cleveland?

A I next came to Cleveland a week ago last Wednesday.

Q And you have been here since that time?

A Yes.

Q Now, after you came here on that occasion, have you talked to anyone?

A Yes.

Q Who have you talked to?

A I talked to the Assistant Prosecutor, Mr. Mahon, on two different occasions, the first time on Armistice Day and also last Saturday morning, as well as a number of detectives.

Q Did you talk to some detectives, also?

A Well, just "hello. How are you?"

MR. MAHON: If your Honor please, I think that is about all, but may we adjourn at this time? There may be a few questions that I might think of that I want to ask him.

THE COURT: Ladies and gentlemen of the jury, we will adjourn for the noon recess at this time and return at

1:15 this afternoon.

Please observe the caution which the Court has expressed to you, do not discuss this case.

(Thereupon, an adjournment was taken until 1:15 o'clock. p.m.)

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Monday Afternoon Session, November 22, 1954.

(1:15 o'clock p.m.)

Thereupon DR. LESTER T. HOBERSTEN resumed the stand and was examined and testified further, as follows:

DIRECT EXAMINATION (CONTINUED)

By Mr. Mahon:

Q Doctor, do you know a young lady by the name of Susan Hayes?

A Yes, I do.

Q And when did you first meet her?

A I met her shortly after arriving as a surgical resident at Bay View Hospital.

Q And was she employed at the Bay View Hospital?

A She was employed as a laboratory technician.

Q Was she there all during the time you worked there?

A To the best of my knowledge, yes.

Q Was she there at the time you came to the hospital?

A Yes.

Q And she was there when you left the hospital?

A I don't know for certain. It is my impression that she was.

Q Now, Doctor, getting back to the visit that you had with Sam in his room at the hospital, I believe that was on the afternoon of the 5th of July?

A Monday afternoon, July 5th.

Q And while you were in the room talking to him, Steve came in?

A Yes.

Q Is that right?

A That's correct.

Q Did Steve leave at any time after he came in?

A Yes. After speaking sharply to me, he turned on his heel and walked quickly out of the room, and then he came back in just a few minutes.

Q And when he came back in, did he say anything?

A Yes. I remember I was sitting on the lefthand side of the bed, and Steve sat near the foot of the bed, and he advised Dr. Sam to go over in his mind several times a day --

MR. CORRIGAN: Object to that.

He has already testified to that.

MR. GARMONE: He has already testified to that conversation.

MR. MAHON: He hasn't given all of the conversation.

THE COURT: No, I think not.  
All right. Go ahead.

MR. CORRIGAN: He says "go over the sequence of events so you have your story straight."  
That is what you have testified to.

A (Continuing) As I recall, he said in words to this effect --

MR. CORRIGAN: I didn't hear you,

Doctor.

A (Continuing) As I recall, Dr. Steve addressed Dr. Sam, and said in words to this effect, "You should review in your mind several times a day the sequence of events as they happened so that you will have your story straight when questioned," and then he gave as an example, "You were upstairs, you went downstairs, and from here to there," and so forth.

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Q Is there anything else that took place in there that you have not related up to this time, Doctor?

A Nothing that I can recall, except that I believe it was that first visit that late Monday afternoon when I was there, just before I left Dr. and Mrs. Sheppard, Sam's father and mother, came in, and I greeted them and then I left shortly after that.

MR. MAHON: You may inquire.

MR. GARMONE: Are you through,  
John?

MR. MAHON: Yes.

CROSS-EXAMINATION OF DR. LESTER T. HOVERSTEN

By Mr. Garmone:

Q Doctor, on the 1st of July you arrived at the home of Mr. and Mrs. -- Dr. Sam Sheppard, is that right?

A Yes.

Q And I believe you testified it was about 7:30 in the evening?

A Yes, that is correct.

Q Do you recall at that particular time that Sam was on the front lawn picking weeds out of the grass?

A Yes.

Q And Marilyn was out there in the yard at the same time?

A They both were out there.

Q And Chip?

A Chip was nearby. I don't recall that he was --

Q Nearby?

A He wasn't picking weeds, I don't think.

THE COURT: Can I bother  
you for the date of this?

MR. GARMONE: July 1st at 7:30  
p.m., 1954.

THE COURT: Thank you.

Q Then after the usual greeting, you all went inside, is  
that right?

A Yes, that is correct.

Q And Dr. Sam took you up to his room -- or took you up to  
the room that you were to occupy?

A That is correct.

Q And that was the room on the east side of the house?

A Yes.

Q And then I believe that you said you had a date that eve-  
ning?

A That is correct.

Q Do you recall you told Sam that you were meeting someone  
at Cavoli's?

A That is correct.

Q Upon your return you saw Sam in the house, is that right?

A Yes.

Q Now, when you came back home that first night, the 1st of July, you walked right in the door, did you not?

A Yes.

Q I believe you said on direct examination the door was open, as usual?

A It was unlocked. It was closed but unlocked.

Q Unlocked as usual?

A Yes.

Q Then the following night you again went out by yourself?

A Yes.

Q And came back at about 12:30 in the morning?

A Yes.

Q Now, when you walked into the house, no one was downstairs, was there?

A There was no one downstairs.

Q And the door that you came in was unlocked but open?

A The door was unlocked.

Q And then you went up and do I recall right that Marilyn said, "Les, is that you"?

A Yes, that's correct.

Q And then she inquired as to whether you locked the door or not, and you said you hadn't?

A That is correct.

Q And then she said that the maid was coming in the next morning, she was glad that you had left the door the way



you had left it?

A That is correct.

Q Now, during the period from the 1st, Doctor -- I will withdraw that.

Now, the last time that you had any conversation with Sam regarding Marilyn and himself was in 1953, is that right?

A To the best of my knowledge, that is correct.

Q Now, during the period that you were at the Sheppard home, that is, the home of Marilyn and Sam, between the 1st of July, when you arrived, and until the time that you left for Kent, you had the occasion to observe Sam and Marilyn, did you not?

A Yes, indeed.

Q Will you tell the court and jury how they were getting along, from your observation?

A Well, they seemed to be quite happy and content. I did not see anything out of the ordinary or unusual whatsoever.

Q Their attitude toward one another was one of happiness and content, is that right?

A Very much so.

Q Doctor, you have never seen Sam Sheppard mistreat Marilyn, have you?

A No, never.

Q And, Doctor, you have never seen Sam Sheppard mistreat

Chip, have you?

A No, never.

Q Now, on the 5th day of July, that was the Monday following the 4th, I believe you said you went over to the hospital?

A Yes.

Q And you went into the room where Sam was?

A That's correct.

Q Was it on that occasion that the two of you shook hands?

A Yes.

Q And Sam started to cry?

A That's correct.

Q Then he said to you, Dr. Hoversten, "Why couldn't they have killed me instead of Marilyn because Chip would need Marilyn more than he would need me," is that right, or words to that effect?

A That's it exactly. He -- I think I can repeat almost identically what he said. It's quite vivid in my mind.

Q Well, would you repeat it, please?

A He said, "My God, I wish they had killed me instead of Marilyn because Chip needs Marilyn as a mother more than he needs me as a father."

Q Now, you and Sam cultivated a friendship over a period of years when you first met him out there in the L. A. County Hospital?

A Yes, that's correct.

Q And isn't it a fact, Dr. Hoversten, over all that entire period, that Sam Sheppard always displayed an even temperament?

A Definitely so.

Q Now, after he had made the statement that you have just related to the court and jury, from your observation as a doctor, what would you say his emotional state was at that time?

A I would say he was quite grief stricken, at least that's the impression I had at the time.

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And was it at that particular time that you had said to him, "Sam, quiet yourself down," and more or less propounded some psychology to him?

A Yes, that's correct.

Q Now, after the 5th of July you had seen Sam again, is that right?

A Yes.

Q In the same room?

A Yes.

Q Doctor, I will ask you if, whether or not on your first visit -- I don't know whether you did or you didn't, you can tell me whether you did or you didn't -- had the occasion to observe the chart in front of Sam's room?

A I knew there was a chart, but I did not go through it.

Q You didn't go through it. Now, when you saw Sam on the 5th day of July at the time that he made the statement that you have related to the jury, will you describe his physical condition, how he looked?

A The side of his face, from the frontal and ~~psychosomatic~~ <sup>maxillo</sup> arch bones, cheek bones, down on one side was swollen, slightly discolored. He seemed to have an aversion to turning his head too readily as though it were stiff or sore.

Q You made that observation?

A Yes.

Q During the conversation with Sam on that occasion, did you observe the condition of his mouth, Dr. Hoversten?

A No, except just a slight -- a seemingly slight swelling on one side.

Q And did you observe the difficulty he had in talking?

A Yes, slight.

MR. GARMONE: I believe that is all, your Honor. Thank you, Doctor.

MR. MAHON: That is all, Doctor.

Oh, just one moment. Just one question I want to ask you.

REDIRECT EXAMINATION OF DR. LESTER T. HOVERSTEN

By Mr. Mahon:

Q Doctor, when you first went to live with Sam and his wife, when you first came to Bay View Hospital, that was in July of '52?

A Yes.

Q And you lived at Sam's home for a short period of time. How long was that period?

MR. CORRIGAN: Six weeks. He has already answered it.

A Approximately six weeks.

Q The lights that are used to light up the hallway on the second floor, where are they turned on?

- A When I was there in July of '52, it is my recollection that they can be turned on in two places: At the foot of the stairs, and in the hallway near the head of the stairs.
- Q And if you turn on the light at the foot of the stairs can you put it out at the top of the stairs?
- A Yes.
- Q And you can also light it at the top of the stairs?
- A Yes.
- Q Or you can light it at the switch at the bottom of the stairs?
- A That is my understanding.
- Q Did you ever observe Sam, during that period of time you were living there, whether or not he turned on the light in the hall upstairs when he was going up?
- A I remember when I first came there it was quite warm in July, and I then had the west bedroom, and there were times when I retired for the evening before the rest of the family, and the door to my bedroom would be left open to permit a cool breeze to come through, and there were times after I had gone to bed I was still not asleep and I noticed the light turned on as they came upstairs.
- Q And then when they got upstairs --
- A They turned the light off.
- Q They turned the light off. That was a rather common custom?

A Yes, my impression.

MR. MAHON:

That is all.

RE CROSS EXAMINATION OF DR. LESTER T. HOVERSTEN

By Mr. Garmone:

Q The testimony that you have just related regarding the lights, Doctor, has to do with your visit in 1952, is that right?

A Yes, that's correct.

Q So you can't say that the same condition existed, as far as you know, from the period of July the 1st until the day that you went to Kent, Ohio, can you?

A No, I can't. I understand there was a fire and much of the house was rebuilt and reconditioned.

MR. GARMONE:

Thank you very

much. That is all.

MR. MAHON:

That is all.

(Witness excused.)

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Thereupon the State of Ohio, further to maintain the issues on its part to be maintained, called as a witness CARL ROSSBACH, who, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Parrino:

Q Will you state your name, please?

A Carl Rossbach.

MR. CORRIGAN: Will you wait a moment?

MR. PARRINO: I am sorry. Just a moment, please.

(Thereupon a conference was had at the bench between Court and counsel, out of the hearing of the jury, after which the following proceedings were had within the hearing of the jury):

THE COURT: Ladies and gentlemen of the jury, Mr. Garmone is not feeling well today. He wasn't well this morning. He has kept going until now he feels he ought not to stay any longer, and we agree with him, so he is asking to be excused,



and I am just stating it to you so you will understand why he is leaving the courtroom and is not here with us for the rest of the afternoon.

MR. GARMONE:

Thank you.

By Mr. Parrino:

Q Now, will you state your name, please, sir?

A Carl Rossbach.

Q Where do you live?

A 10111 South Highland.

Q What is your occupation?

A Deputy Sheriff.

Q How long have you been so employed?

A Two years.

Q As Deputy Sheriff, what are your duties, please?

A General police duty.

Q I didn't get that.

A General police duty.

- NS  
tk 13
- Q And how many are there in the Sheriff's office that perform the same work that you do, sir?
- A There are two of us.
- Q And who is the other person?
- A David Yettra.
- Q Now, what was your occupation before that, Mr. Rossbach?
- A I was a member of the Cleveland Police Department.
- Q For what period of time?
- A Approximately 25 1/2 years.
- Q What rank did you attain in the Cleveland Police Department?
- A Sergeant.
- Q And what was, in a general way, your specific duties while in that department?
- A I was assigned to the Detective Bureau.
- Q And what part of the Detective Bureau did you work with?
- A Performed general duty, investigation of major crime.
- Q Did you ever work with the Homicide Squad?
- A I worked on homicides with the Homicide Squad.
- Q I see. Now, calling your attention to the 5th of July of this year, did something unusual occur on that day?
- A It did.
- Q And where were you when you received notice of this?
- A I was at my home about 9 a.m.
- Q And from whom did you receive that notice?
- A I obtained the Cleveland Plain Dealer and I read the headlines

and observed that there had been a crime committed in Bay Village.

Q And working with the Sheriff's office, over what area does that office have any work?

A The entire county.

Q Now, upon reading this, what did you do?

A I immediately drove to the home where the crime occurred.

Q And were you alone?

A I was alone.

Q Now, you say that there is another police officer that works with the Sheriff's office. Weitzel, I think you named?

A Yes, sir.

MR. MAHON: Yettra.

MR. PARRINO: Weitzel, he said.

Q And where was Deputy Weitzel during this period of time?

A He was on his vacation.

Q And for how long did he remain on his vacation?

A Approximately three or four days.

Q Now, who did you first speak to when you arrived at the Sheppard home?

A I spoke with Dr. Gerber.

Q Now, what time did you arrive there?

A Approximately 10:20 a.m.

Q That was on the 5th?

- A On the morning of the 5th.
- Q That was the first time you were there?
- A Yes, sir.
- Q Now, who else was present when you spoke to Dr. Gerber?
- A Chief Eaton, Sergeant Hubach and Patrolman Drenkhan of the Bay Village Police Department and Detective Schottke and Gareau of the Cleveland Police Department.
- Q What did you do there that day?
- A I introduced myself to Chief Eaton, told him that I was there to render whatever assistance possible.
- Q And what were your duties?
- A He asked me to work with a Sergeant Hubach and Patrolman Drenkhan and Detectives Gareau and Schottke.
- Q And in a general way, what did you do, what duties did you perform around the Sheppard home at that time?
- A They briefed me on what had taken place the previous day, and then we decided to go to the hospital.
- Q Who went to the hospital?
- A Detective Gareau and Schottke and myself.
- Q How did you get there?
- A We drove down in their automobile.
- Q What time was it that you went to the hospital?
- A Approximately 1 p.m.
- Q When you got to the hospital, who did you first see?
- A We saw Dr. Stephen Sheppard.

Q Where was he?

A He was in Room 119.

Q Who else, if anyone, was in that room?

THE COURT: He was where? I  
didn't get that.

THE WITNESS: In Room 119.

Q Who else, if anyone, was in that room?

A Dr. Stephen Sheppard was there.

Q Anyone else there?

A No, sir.

Q What did you do there that morning -- what did you do  
there at that time?

A I told Dr. Sam Sheppard that I would like to inquire  
into what had happened the previous day and that I would  
like to get a description and a motive for the murder.

At that point Dr. Stephen Sheppard said, "He is  
in no condition to be interviewed or questioned. We  
have retained counsel and I would much rather that you  
would wait until he talks with counsel."

Q What happened then?

A Shortly thereafter Mr. Petersilge and Mr. Corrigan came  
into the room.

Q Was Sam Sheppard in that room?

A He was.

Q What was said at that time?

A Mr. Corrigan said that he had accompanied Mr. Petersilge, and that he did not want Sam questioned on account of his emotional condition, and that he would instruct him not to answer questions at that time.

Q Anything further occur there?

A We left the hospital and returned to the scene.

Q All three of you?

A No, sir.

Q Who left the hospital?

A We three left and Detective Gareau and Schottke took care of some other duties, and I returned to the scene.

Q And upon returning to the scene, what did you do there?

A I conversed with Sergeant Hubach and Patrolman Drenkhan, and we decided then to interview people in the immediate vicinity and take statements from them.

Q And did you take statements from any people that day?

A We did.

Q And from whom did you take statements?

A Don Ahern, Mrs. Ahern, Spencer Houk. That was all we took that day.

Q Did you do anything further around the house that day that you recall?

A No. We searched the beach and we searched the wooded area in the vicinity of the home.

Q And were you able to find anything of value?

A Found nothing.

Q And is that the substance of what you did that day, sir?

A That's right.

Q That was on the 5th?

A The 5th.

Q Now, did you work on this matter again on the 6th?

A I did.

Q What time did that begin?

A At 8:30 a.m.

Q Where were you at that time?

A I was at the office waiting for my partner, Mr. Yettra.

Q And where did you go then?

A We went to the home of Thomas Reese on Silsby Road in University Heights.

Q And who is he?

A He is the father of Marilyn Sheppard.

Q You spoke with him, did you?

A I did.

Q And after that conversation, where did you go?

A We returned to the Bay View Hospital.

Q Who did you go with to the Bay View Hospital?

A Dave Yettra.

MR. CORRIGAN: Was that Tuesday?

THE COURT: Mr. Yettra.

MR. CORRIGAN: Was that Tuesday?

THE COURT: The 6th.

MR. FARRINO: Tuesday.

THE COURT: That's right, it

would be Tuesday, yes.

Q Now, who did you see at Bay View Hospital on Tuesday, the 6th?

A We saw the nurse on duty at the desk near room 119.

Q Did you speak to anyone else there?

A I did not.

Q Did you attempt to -- withdraw that.

Did you see Dr. Sam Sheppard that day?

A I did not.

Q Did you attempt to see Dr. Sam Sheppard that day?

A I did.

Q By what means?

A I asked the nurse if I could enter his room and have some conversation and she said, "The orders are that he is in no condition to speak with anyone."

Q And you say, then, that you were not able to see him?

A That is right.

Q Now, what time was that, approximately?

A Approximately 2:15 to 2:30.

Q After that event, where did you go?

A To the Bay Village Police Department.

Q Did you speak to someone there?



A I did.

Q With whom did you speak?

A Officer Drenkhan and Hubach.

Q How long did you remain there?

A Until almost midnight.

Q Did you interrogate or interview any witnesses that day, sir?

A I did.

Q And who was that, please?

A Dr. Lester Hoversten.

Q What time did you interview him, about?

A About 4:15.

Q And did you obtain a statement from him, sir?

A I did.

14 Q Did you interview any other witnesses that day, if you recall?

A I did.

Q Give me some of their names, please.

A Dr. Richard A. Sheppard, Dr. Richard M. Sheppard, and Dr. Stephen Sheppard.

Q And did you obtain statements from them?

A I did.

Q Now, you say that you completed your work that day at midnight, at or about, correct?

A That's correct.

Q Now, on Wednesday, the 7th, did you work on this case again?

A I did.

Q What time did you start your work on that day?

A Approximately 9 a.m.

Q Where did you first go on that day relative to this case?

A We went to the Bay Village Police Department.

Q And what time did you arrive there?

A 10:30.

Q Did you speak to someone there?

A I spoke to Officer Drenkhan and Chief Eaton.

Q Then what did you do?

A We called the hospital and learned that Dr. Samuel had left the hospital for the Daniel's Funeral Home, that he

was going to attend the funeral of his wife.

Q What happened then?

A He returned about 3 p.m.

2 Q And what did you do at that time?

A We interviewed a number of juveniles that had acted as baby sitters and had associated with the Sheppards.

Q And that telephone conversation -- withdraw that.

After that telephone conversation did you see Sam Sheppard that day, the 6th -- or, the 7th, rather, Wednesday?

A Yes, I did.

Q What time was that, that you saw him?

A Approximately 3:30.

Q Where did you see him?

A At the hospital, in Room 119.

Q And did you interview him?

A I was unable to interview him.

MR. CORRIGAN: Ask that be stricken out.

THE COURT: What was your answer?

MR. PARRINO: The answer was, "I was unable to interview him."

THE COURT: The jury will disregard that answer.

Q What happened at that time?

A I wanted to interview him, and Dr. Stephen --

MR. CORRIGAN: Object to that.

THE COURT: Well, he may say that.

That was a statement of his purpose.

All right. Go ahead.

A I wanted to interview him, and Dr. Stephen said, "He is too upset emotionally," and he said, "I have just administered a slight sedative and I doubt if you will be able to talk with him."

Q And how long did you remain there, sir?

A Approximately a half hour.

Q Where did you go from there?

A I went up onto the second floor at the hospital.

Q Did you speak to anyone there?

A Dr. Stephen Sheppard.

Q And you had some conversation with him?

A Yes, sir.

Q What happened?

A He contacted Mr. Petersilge by telephone, and Mr. Petersilge and I discussed why I was unable to interview Dr. Sam, and he said that perhaps "tomorrow, at about noon you will be able to interview him."

Q And is that all that happened there that day?

A That is all.

Q Then you left the hospital, I take it?

A I left the hospital.

3 Q Where did you go from there?

A I went back to the Bay Village Police Department where we examined some statements that had been taken by Officer Drenkhan.

Q Now, did you return to the defendant's home there on the -- withdraw that.

On the 5th, the 6th, the 7th, did you make any search of defendant's home at any time?

A Yes, we did.

Q And were you searching for anything in particular?

A Yes.

Q And describe the search, the nature of it, and --

A We were searching for a T-shirt.

Q Yes.

A We were also searching for some weapon that might have been used in this crime.

Q I see. Now, coming to the 8th, Thursday, did you work on the case again that day?

A I did.

Q You left this building that day at a particular time, I take it, isn't that correct?

A That's correct.

Q What time did you leave this building?

A Approximately 10 o'clock.

Q And before leaving the building did you speak to anyone?

A I spoke with members of the prosecutor's office.

Q And who in particular did you speak with?

A I spoke with you and with Mr. Mahon.

Q And was anyone else there present?

A I don't recall.

Q And speaking to Mr. Mahon and myself, you received certain instructions, I take it?

A Yes, sir.

Q And upon receiving those instructions, where did you go?

A We drove to the Bay View Hospital.

Q And who did you see when you got there?

A Dr. Gerber, Detective Schottke and Gareau.

Q What time of the day was that?

A Approximately 11 a.m.

Q What happened there at the hospital on that day?

A We were joined by Dr. Gerber, and we entered Room 119.

Q And was the defendant in that room?

A He was in that room.

Q Now, will you describe to the jury what happened in that room at that time?

A He was lying in bed, and his brother Steve was sitting in a chair beside the bed, so we explained to him that we were going to interview him relative to the crime that occurred there on the night of July the 3rd, and shortly thereafter Mr. Corrigan and Mr. Petersilge entered and

they objected to us questioning him, in view of the fact they didn't have time to talk with him alone.

Q Who said that?

A Mr. Corrigan.

Q He said he didn't have time to talk with the defendant?

A That's right.

Q Continue.

A And that we had agreed on 12 o'clock, and we came in at 11, and when he refused to answer questions, Dr. Gerber informed him that he would be served with a forthwith subpoena, and that we may have some means of transferring him to a place where he could and would be interviewed, and after considerable conversation there, Dr. Gerber made out a forthwith subpoena and asked me to serve it on Dr. Sam Sheppard.

Q And did he make the subpoenas out?

A Yes, sir.

Q Did you receive the subpoenas?

A I did.

Q What did you do with them?

A I was about to serve the subpoena when Mr. Corrigan said, "There is no need in that. This matter can be taken care of in another way, and I would much rather that you would withhold the serving of the subpoena until we discuss this matter at length."

Q I see. Continue, please.

A Then after some conversation it was decided that Mr. Corrigan, Mr. Petersilge, would leave the room, but they designated a Bay Village police officer, Mr. Yettra and myself as those being present in the room when the questioning was going on.

Q What happened to the subpoenas?

A The subpoena was torn up.

Q Now, did you question the defendant on that day?

A I did.

Q What time did that questioning begin?

A About 12:55 p.m.

Q Who participated in that questioning?

A Officer Drenkhan and I.

Q Was anyone else in the room?

A Dave Yettra was in the room.

Q Did he participate in any of the questioning?

A He did not.

Q Who is Dave Yettra, by the way?

A He is a man that works with me in the investigation of crime, and so forth.

Q He is in the Sheriff's office?

A Yes, sir.

Q How long did that interview take?

A About 3:50 p.m.



Q Now, would you give the Court and the jury the substance of what was said at that interview?

A He was asked to explain what he knew of what happened in his home --

Q Continue. I'm sorry.

A He was asked to explain what happened in his home from the time when he left the Ahern's residence and they had dinner together, and he informed us that after having had their dinner on the front porch of their home, they come into the living room, and that he had watched TV for a short period of time, and he became tired and laid down on the couch in the living room. That he remembers being awakened, but he did not know the time. He thought that perhaps his wife might have awakened him, but he fell asleep again on the couch, and then some period of time after that he thought he heard his wife scream and mentioned his name "Sam."

He ran up the stairs, and when he reached the top of the stairs, he looked into his wife's bedroom. That he observed some form stooping over his wife's bed, and as he was about to enter he was suddenly struck from behind. That he fell to the floor.

When he come to, he was in a sitting position, his back toward the bedroom, his feet toward the hall, and that his wallet was lying open between his feet. That he

observed something glistening on one end of this wallet, and that he picked it up and put it in his pocket.

He then got up and went to his son's room.

He said he doesn't know whether he returned to his wife's bedroom or not, but he thought that he might have to take her pulse, and while doing that he ran down the stairs after hearing a noise.

That he ran through the L-shaped living room where he saw a form between the front door and the door of the porch, which is a screen door. That he pursued this figure down the steps toward the beach house. About halfway down the form appeared to hesitate for a moment as though waiting for him, and that when he reached the bottom of the steps he grappled with this form. He thought it was from behind, don't know whether he grappled with some solid part of his body, and that he was then struck down and he lapsed into unconsciousness again.

Later on when he come to, he was lying on the beach on his stomach with his head toward the wall and his legs in the water. He was wallowed back and forth, then got up, walked up the steps, went upstairs into his wife's bedroom where he took her pulse, and then decided that she was gone.

And then he looked into Chip's room and he seemed

to think that Chip was all right.

He then come downstairs, walked around. He said he was in the kitchen, and then into his den where he decided to call for someone for assistance. That the first number that come to his mind was that of the Mayor, Spencer Houk. That he called him; some 10 or 15 minutes later Mr. and Mrs. Houk came over. He said that he had found himself sitting in -- slumped in a leather chair which is at his desk. Then he questioned him as to what happened, and he said he didn't know, but he thought that Marilyn had been killed.

NS Q Do you remember anything further?

TK 15 A That's all.

Q Now, did you ask him any further questions?

A I did.

Q State to the jury what you asked him and what he said?

A I asked him if he could give me a meager description --

Q A what?

A A meager, if not a good, description of the intruder he saw stopping over the bed. His reply was that it was taller than he, had on a white top, and he thought he had bushy hair.

Q Yes.

A I asked him if he thought that was the same one that he saw going through the front door. He said he didn't know.

I asked him about whether or not he had made any enemies during the time that he had been out there, if he knew someone that may have had a reason to destroy him or some member of his family over his profession. He said he didn't know at that time, but he might have had three or four. That his wife may have had some admirers. I asked him about how many. He said probably three or four, he doesn't know.

I asked him if he ever talked with these admirers, if he ever objected to it. He said no, he was rather impressed with the fact that his wife did have a lot of

admirers.

Q Yes.

A He said he knew of no reason why anyone would take her life.

Q Was there any further questions asked?

A I asked him about some information we received about having an affair with a young lady who worked at the hospital.

Q Did you give him her name?

A I did.

Q Tell us what was said?

A He said that he had worked with Susan Hayes, and that at one time while attending a party in California with a group of friends she had lost her wrist watch, and that she felt so badly about it, that he felt as though he might replace it for her, and that he bought this watch. His wife did not know about it until after he was on his way home.

Q Yes.

A I asked him if his wife objected to it, and he said, "Well, she did make some mention about it, but later on it didn't develop into any serious trouble."

Q Do you remember anything further that took place there?

A I asked him if he ever had an affair with a Julie Lossman. He didn't have an affair with her, he said, that is, certainly on his part, but on hers, he didn't know, but

he was told about their attention to one another by her husband.

He said that he thought she was seeing too much of him, and that he and his wife then decided that they wouldn't visit with the Lossmans any longer.

Q Was there anything further said there?

A That's all.

Q Now, did you ask him to do anything?

A I did.

Q Tell the court and jury what you said to him and what he said to you?

A I told him that he was the only suspect we had, and that in order to eliminate himself he should cooperate with us and take a lie detector test. To this he objected, stating that he was too emotionally upset and that he didn't think he could do justice with that test because he was upset.

I then asked him perhaps 10 or 15 more times at various times to take the test, and he said, "I won't take it because my attorney has advised me not to and members of my family have asked me not to."

Q Now, at that interview there on the 8th, how many times did you ask him, about?

A I think I asked him twice.

Q Now, is that the substance of that conversation?

A (No response.)

Q As a result of that, did you make some arrangement with him to see him again?

A I did.

Q And when were you to see him again?

A I saw him that evening at his home, his father's home.

Q And what took place there?

A We had Dr. Sam Sheppard and other members of his family, we had fingerprints taken. And then it was agreed that he should report to his home to establish whether or not anything had been stolen or whether or not anything was missing.

Q Now, did you see Sam Sheppard the next day?

A Yes, I did.

Q On the 9th?

A I did.

Q That would be on a Friday?

A That's right.

Q And where did you see him?

A I saw him at his home.

Q Did you accompany him to the home there?

A I did not.

Q Did anybody accompany the defendant to that home?

A Mr. Corrigan and Mr. Petersilge were there.

Q And were you alone, sir?

A Mr. Yettra was with me and Dr. Gerber.

Q Did the defendant come into that home?

A He did.

Q Did anyone else come into the home?

A Mr. Corrigan, Mr. Petersilge, Dr. Gerber.

Q What was done there at the home there on the 9th?

A Dr. Samuel Sheppard began to examine his physician's bag, which was on the floor in his office, and he removed instruments, gauze and various bottles, and he made a check of the drawers and the shelves in his office to see if anything had been stolen.

Q And what did he say in that regard?

A He said, as far as he knows, there wasn't anything taken, but he had another bag in the garage and he couldn't tell whether anything had been taken from that.

Q And describe everything that was done there that day?

A We then asked him to come upstairs and check to see whether any of their personal belongings were missing.

Q Into what part of the home did you go with the defendant, describe the route that you took?

A The entire downstairs and the upstairs, the various bedrooms and the bathrooms.

Q Was anything missing so far as the defendant knew?

A He said he was unable to state whether anything was missing



or not because his wife took care of the home and he didn't know what was there.

Q And how long did this tour there at the home take, about?

A About two hours.

Q From what time to what time was that?

A I think we arrived there about three, four o'clock, until after five.

Q I see. Is that all that you did with the defendant that day, sir?

A That's all we did that day.

Q "When that tour was completed, the defendant went his way, I take it, and you did what?

A No, sir.

Q What happened?

A We had some conversation with Dr. Sam and Mr. Petersilge and Mr. Corrigan.

Q Tell us what that was?

A I asked him if he could come into the office and make a statement in writing telling us the facts about the night of July 3rd. And it was agreed that I was to be called on the telephone nine o'clock Saturday morning, July 10th.

Mr. Corrigan said he would call me about 9 a.m.

Q Yes.

A And we then left.

Q Continue, please.

A At about 8:20 or 8:25 a.m., July 10th, Dr. Stephen Sheppard, Dr. Samuel Sheppard and Mr. Petersilge come into our office.

Q And what happened there?

A He said he was prepared to make a statement. Then after being interviewed for an hour and a half, he was taken into our office on the fourth floor where he made a statement, which was typed.

Q And that statement, Officer Rossbach, I believe has been offered into the evidence, but for illustration, will you look at that, State's Exhibit No. 48, please, and tell us if you recognize that statement?

A Yes, sir.

Q Is this the statement that the defendant made at your office on the 10th?

A It is.

Q Now, after the defendant made this statement in writing, did you see him again after that, after the 10th, that is?

A I did.

Q And when is the next time that you saw him again?

A On July 12th.

Q Where did you see him?

A At his home.

Q Did you speak with him?

A I did.

Q Who was present?

A Mr. Corrigan, Mr. Petersilge, his brother, Dr. Richard and Dr. Stephen.

Q What was said?

A I again asked him if he had thought over the suggestion that I made about him trying to eliminate himself as a suspect.

He stated that he wanted to help us in every way possible to serve this crime -- to solve this crime.

"Why don't you meet me some morning at some designated place at a designated time unbeknownst to anyone but yourself and myself and we will take this lie detector test, and at least you will eliminate yourself in one way?"

Q Now, did you state to him as to where this test would be made?

A I said anywhere, regardless of where it might be, I would take him wherever he wanted to go.

Q And what did he say to that?

MR. PETERSILGE: Objection, your Honor. Now, the prosecutor keeps asking about whether Dr. Sheppard was willing to take a lie test, a lie detector test, and the Court of Appeals of this county has held that the results of a lie detector test are not admissible in evidence.

It follows from that that it makes no difference whether Dr. Sheppard said that he would take the test or whether he refused to take the test.

THE COURT: Well, he has answered the question. The Court will instruct the jury on the matter.

MR. PETERSILGE: Exception.

Q What did he say?

A He says, "No," he says, "I'll be guided by the advice of my family and my attorneys."

THE COURT: Mr. Parrino, the Court would like to say a word to the jury now.

Ladies and gentlemen of the jury, you are not to understand by these questions that any person is obligated to take any lie detector test.

A person has his own choice. He is under no obligation whatever to take it.

All right.

MR. PARRINO: Thank you, your Honor.

Q Now, was --

MR. PETERSILGE: Just a moment.

If the Court please, we request the Court also

to advise the jury that he not only has an option whether he will take it or not, but that the results of that test are not admissible in evidence.

THE COURT: Well, they are not here, anyway, Mr. Petersilge.

MR. MAHON: We haven't any results here.

THE COURT: They are not here.

MR. MAHON: We are not offering any results.

MR. PETERSILGE: That's right, but the reason should also be stated to the jury.

THE COURT: I know, but we need not go beyond what we have in evidence. The evidence is here that he was asked to take it, he refused.

Now, the Court tells the jury he doesn't have to take it, period. We will stop right there.

Q Was there any further conversation there on the 12th?

A I said, "Will you give me an answer on that in the very near future?"

He says, "I'll act only upon the advice of my family and my attorneys."

Q Now, I want to call your attention to July 17th. Do you recall the events of that day, sir, as to a meeting that took place at Dr. Gerber's office?

A Yes, sir.

Q Did you attend that meeting?

A I did.

Q Now, after that meeting, did you see the defendant, Sam Sheppard?

A No, I didn't.

Q Now, as you arrived there on the 5th and the 6th and the 7th at the Sheppard home, did you go into the garage at any time, sir?

A No, I didn't.

Q Did you examine the contents of anything in the garage?

A No, I didn't.

MR. PARRINO:

I think you may

inquire.

CROSS-EXAMINATION OF CARL ROSSBACH (2:20 o'clock, p.m.)

By Mr. Corrigan:

Q Mr. Rossbach, taking the last question addressed to you, did you go in the garage at any time, and you said you didn't. You have forgotten that you went in the garage with me, didn't you?

Didn't you go in the garage with me?

A On what day?

Q On Thursday -- or Friday, Friday the 9th of July, the day that you were out at Sam Sheppard's home?

MR. PARRINO: I didn't ask him that.

Q Well, you did go in the garage that day, didn't you?

A I don't know the date that you are referring to, Mr. Corrigan.

Q I am referring to Friday, the Friday after the 4th of July, at the time that Sam Sheppard met you at his home.

A I don't recall.

Q You don't recall meeting him there?

A Being in the garage at that time.

Q You don't recall going into the garage at that time?

A No.

Q Well, now, where did you find the axe?

A The axe was found by Mr. Yettra.

Q And where was the axe found?

A In the garage.

Q And you didn't go in?

A Not that I recall.

Q Don't you remember going in and picking the axe off the top of one of the automobiles?

A No. That was picked up by Mr. Yettra.

Q All right. Were you there when he picked it up?

A I didn't see him pick it up.

Q Mr. Rossbach, you have had a lot of experience in the Homicide Division of the Cleveland Police Department before you became a Deputy Sheriff?

A I have had some experience.

Q You were not only a detective, but you were an officer in that detective department, were you not?

A Yes, sir.

Q And for how many years were you an officer in the detective department of the City of Cleveland?

A 11 years.

Q And you confined yourself mostly during that period of time to the solving of homicide cases?

A No, sir.

Q How many years were you on the homicide squad?

A I never was assigned to the Homicide Squad.

Q What were you assigned to?

A General duty.

THE COURT: He said he

was assigned to general work but he did cooperate with the Homicide Squad.

Q That included homicide cases, I take it?

A Some cooperation.

Q Yes. Now, then, when did you leave the Cleveland Police Department?



A August 25, 1946.

Q And then you became a Deputy Sheriff?

A No, sir.

Q What was your business after you left there?

A I was in business.

Q And what business were you in?

A The tavern business.

Q What?

A The tavern business. In the tavern business.

Q And for how long a period of time?

A About six years.

Q And then after that you came to the Sheriff's office?

A Yes, sir.

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Q And your position as the Deputy Sheriff is doing detective work, is it not?

A Yes, sir.

Q And ever since you have been here for the eight years that you have been here, you have been engaged in detective work?

A I haven't been here eight years, Mr. Corrigan.

Q I thought you said you came in 1946.

THE COURT: No. No. He left the Cleveland Police Department in 1946, then he went into the tavern business, and was in that for six years, did you say?

THE WITNESS: Yes.

THE COURT: And later came in --

MR. CORRIGAN: I see.

Q The first you knew about this matter was on the 5th of July?

A Yes, sir.

Q When you arrived at the house at about 10 o'clock in the morning?

A About 10.

Q And Dr. Gerber was there, Schottke and Gareau and some of the Bay Village officers?

A Yes, sir.

Q You made inquiry, did you not, as to what had happened and how it had happened?

A Yes, sir.

Q On the 4th of July, is that right?

A That's right.

Q And who did you make the inquiry from?

A I talked with Chief Eaton, Detective Gareau and Schottke.

Q And you learned what they had to say about it?

A Well, they told me that the wife of Dr. Sam had been --

Q No. I didn't ask you to repeat it, but I say you learned what they had to say about it?

2 A Yes.

Q And you learned, did you not, Mr. Rossbach, that after a couple of hours' investigation by Schottke and Gareau that they had gone down to the Bay View Hospital on the 4th of July and accused Sam Sheppard of killing his wife?

MR. PARRINO: Objection, that is not a fact, your Honor.

THE COURT: Objection will be sustained.

MR. CORRIGAN: What is wrong with the question?

THE COURT: That isn't the testimony.

Q Well, you learned in that conversation that during the 4th of July or on the 4th of July, Schottke and Gareau had gone to the Bay View Hospital and accused Dr. Sam Sheppard of having killed his wife?

A I learned that at the hospital.

Q Who did you learn that from at the hospital?

A Dr. Steve Sheppard.

Q So that you knew then on the 5th of July, when you went down there in the morning of the 5th of July, that Schottke and Gareau, the two Cleveland detectives, had already accused the man of killing his wife?

MR. DANACEAU: Objection. He  
says the very opposite.

THE COURT: Objection sustained.

MR. CORRIGAN: What is that?

THE COURT: Objection sustained.

MR. DANACEAU: His answer is the  
very opposite of what you just stated in your  
question.

MR. CORRIGAN: Is it?

MR. DANACEAU: Yes, sir.

MR. CORRIGAN: Oh, well, I will  
try to get it straight.

Q You did learn on Friday -- on Monday that Schottke and  
Gareau had accused Dr. Sheppard of killing his wife?

A Yes, sir.

Q And you say you learned that when you went to the hospital  
on Monday and you talked to Steve Sheppard?

A Yes, sir.

Q Now, then, when you arrived at the hospital on the morning of the 5th of July, who was with you?

A Detective Gareau and Schottke.

Q And at that time did you see any reporters and photographers around the hospital?

A Yes, I did.

Q Quite a number, there was quite a number of them, wasn't there?

A Yes, sir.

Q And when you had arrived at the Sheppard home on the morning of the 5th of July, did you see reporters and photographers there, in addition to the people that you have mentioned? Is that correct?

A I saw some there, yes.

Q Now, when you went into Sam's room on Monday, you say that was about 10 o'clock in the morning with both Mr. Schottke and Gareau accompanying you?

A No, sir.

Q They did not go in? Did you go in alone?

A I wasn't at the hospital at 10 a.m.

Q Well, what time on Monday were you at the hospital?

A Approximately 1:00 p.m.

Q Who was with you when you went there, what police officers?

A Detective Schottke and Gareau.

Q And did the three of you go into Sam Sheppard's room?

A Yes, sir.

Q And did you have any conversation with Sam Sheppard?

A I did.

Q And what was the conversation that you had with him at one o'clock on Monday afternoon?

A I told him what office I was from, and that we wanted to talk to him so that we could establish a motive and get a description of a suspect, if possible.

At that particular time, his brother, Dr. Stephen, said, "I'm sorry, I can't let you interview him. We have retained counsel and I would much rather wait until they arrive."

Q And did he give you no description of any kind that morning?

MR. MAHON: That afternoon.

Q That afternoon?

A I tried to get a description as to height, weight and age, complexion, but he was unable to give it to me.

Q He was unable to give it to you. If Mr. Schottke testified in this case that he was with you on that day, and that you asked Dr. Sam if he could give you a description of the man seen in the room, and Dr. Sam said to you, "He had a light top on," and then asked him if he could give a description of the man that went out the front door or the one that he battled with on the beach, and he stated,

"The man was tall, that he was heavier than he was and had

3 bushy hair," would you say Schottke is not telling the truth?

MR. MAHON:

Objection.

THE COURT:

Objection sustained.

Q Well, did he say that?

A I don't recall whether he said that or not.

Q Now, are you sure you don't recall?

A Yes, sir.

Q What?

A Yes, sir, I'm sure.

Q Will you say that Sam did not say that to you?

A I wouldn't say that.

Q You would not. All right. Now, then, it was true, was it not, when you went in there on that Monday that the man didn't look in good shape?

A I can't say that specifically.

Q Well, he was in bed, wasn't he?

A Yes, sir.

Q And he had a collar around his neck?

A No, sir.

Q No collar. Did he have anything around his neck at all?

A He had gauze and bandage.

Q A bandage. Did you notice anything about the side of his face?

A Yes, sir.

Q And what did you notice about that?

A He had a discolored right eye and abrasions on his right cheek.

Q And did you notice his mouth?

A His mouth was open.

Q And did you notice any wounds around his mouth?

A No, I didn't.

MR. CORRIGAN: Will you stand up,

Dr. Sheppard?

Q Will you look at Dr. Sheppard? Did he look like he looks today?

A No, he doesn't.

Q He does not. And he had difficulty, did he not, in moving his neck and moving his body?

A Appeared to have some difficulty in moving his neck.

Q I see. You noticed there was difficulty in moving his neck?

A Yes.

Q And the man was emotionally upset at the time, wasn't he?

A Yes. He was somewhat upset.

Q Now, then, was that the day I came in there?

A Yes, sir.

Q And I believe that, as I remember, you and I had a long conversation at the end of the hall after we came out of Dr. Sheppard's room. You remember that, Mr. Rossbach?

A Yes, sir.



Q In which we discussed the events of that murder of his wife, and did you not agree with me in that conversation that the man was not in normal shape?

A Yes, I did.

Q Now, then, on the next day, that would be Tuesday, I don't recall that I saw you on Tuesday. Did I?

MR. DANACEAU: Object.

Q Did I see you on Tuesday?

MR. DANACEAU: Well, we object to that. The question is: Did he see him on Tuesday?

THE COURT: Well, he may answer if he saw Mr. Corrigan on Tuesday. He may say that.

A No, sir, I didn't see you.

Q No. And then on Wednesday was the day of his wife's funeral?

A Yes, sir.

Q And after his wife's funeral, and after you had been out to the house and making an investigation along the lines that you desired, you went to the hospital about 3 or 3 o'clock in the afternoon?

A Yes, sir.

Q And was it that day that you talked to the nurse about going into Sam's room?

A No.

Q What day was that?

A That was on Tuesday.

Q Who was the nurse that you talked to about going into Sam's room?

A I can't tell you.

Q Did you take her name?

A I did not..

Q Now, on Monday, Tuesday, Wednesday did you talk to any of the people in the Bay View Hospital, doctors or nurses, in regard to Sam Sheppard's physical and mental condition?

A I talked to them each day.

Q And who did you talk to on Monday?

A On Monday I talked with Dr. Stephen Sheppard.

Q And on Tuesday you talked to a nurse?

A Yes, sir.

Q You don't know her name, didn't make a record of it?

A I did not.

Q On Wednesday when you were there who did you talk to about Sam Sheppard's condition?

A Dr. Stephen Sheppard.

Q Now, on the Wednesday after the funeral, you would consider that a man would be emotionally upset if he buried his wife, is that correct?

A I believe they should be.

Q Yes. Then when you came on Wednesday to carry on a further conversation with him, you were told by Dr. Steve Sheppard

that he was emotionally upset and that he had received some kind of dope, sedation?

A A sedative.

Q Now, up to that time had you examined the report of Mr. Schottke and Gareau?

A No, sir.

Q Did you ever examine the report of Mr. Schottke and Gareau?

A I did not.

Q Did you ever read the report of Mr. Schottke and Gareau printed in the Cleveland newspaper?

MR. DANACEAU: Objection.

THE COURT: Objection will be sustained.

MR. CORRIGAN: Except.

Q You have never seen their report?

A I have not.

Q Now, you never went so far, Mr. Rossbach, as to accuse this man of the murder of his wife, did you?

A I did not.

Q The furthest you went in all your examination was that you stated to him that he was a suspect?

A No, sir.

Q Well, did you say to him that he was a suspect?

A Yes, sir.

Q Now, then, on the Thursday -- let me go back to Wednesday --

you had a conversation with Mr. Petersilge on Wednesday, didn't you?

A Yes, sir.

Q At that time you knew that Mr. Petersilge was representing Dr. Sheppard, and the family of Dr. Sheppard, and the Bay View Hospital, didn't you?

A I did.

Q In fact, you had met him, had you not, on Tuesday night at the Bay View Hospital -- or at the Bay View police station?

A Yes.

Q When you took the statement of Dr. Sheppard, Dr. Richard Sheppard's statement, Dr. Sheppard, Sr., and Steve Sheppard. You saw him at that time?

A Yes, sir.

Q And when you called him, or when he called you on Wednesday afternoon, he arranged with you, did he not, to meet you at 12 o'clock on Thursday?

A Yes, sir.

Q Now, then, you didn't meet him at 12 o'clock on Thursday, did you? You didn't complete that arrangement of meeting him at 12 o'clock on Thursday?

A No, sir.

Q You went out before 12 o'clock, is that correct?

A That's correct.

Q You left here after talking to Parrino, and who else was it?

Mr. Danaceau and Mr. Mahon?

A Yes, sir.

Q You left here about 10 o'clock in the morning?

A Yes, sir.

Q Would that be a correct statement?

A That's correct.

Q And you went to Bay View Hospital and arrived there at about 11?

A Yes, sir.

Q And when you arrived there you found Dr. Gerber there and Detective Schottke and Gareau?

A Yes, sir.

Q And you also found there in advance of you a retinue of photographers and reporters, did you not?

A I met some photographers and reporters.

Q Well, there was quite a number around there?

A Several.

Q To refresh your recollection, after you come out of interviewing Dr. Sam Sheppard that afternoon, weren't you surrounded by reporters and photographers?

A That was some hours after that.

Q Some hours after that. But they were there when you arrived at 11, is that right?

A There was quite a few there.

Q Now, then, Mr. Rossbach, at the time that you arrived at

the hospital on the afternoon of Monday, you found in front of Sam Sheppard's door a police officer, did you not?

A Yes, sir.

Q And every time you went there you found a police officer in front of Sam Sheppard's door, is that correct?

A That's correct.

Q And, of course, you were armed with the authority of the Sheriff of this County at all times, weren't you?

A Yes, sir.

Q And if you wanted to go in a place, into a room to question a man, nobody could keep you out, could they?

MR. DANACEAU: We object to that.

That is not a matter of law.

THE COURT: Yes. I am not sure that that is so, Mr. Corrigan. Objection will be sustained.

Q Well, you had authority, anyway, the authority of the Sheriff of this County?

A Yes.

Q As a Deputy you carry also the authority of the Sheriff, don't you?

A Yes, sir.

Q Now, then, when you arrived at 11 o'clock, an hour in advance of the arrangement made with Mr. Petersilge, you and Schottke and Gareau and Mr. Yettra and Mr. Gerber all went into that

room, didn't you?

A Yes.

Q And when you went into the room, Dr. Sam Sheppard was still in bed?

A He was still in bed.

Q And you noticed that he was under certain emotional strains at that time, did you not?

A He didn't appear to be under any emotional strain to me.

Q Well, didn't he weep during the time that you talked to him, or when you went in to see him that morning? Didn't tears come to his eyes?

A Later on that afternoon, they did.

Q Well, I am talking about the morning.

A No, sir.

Q Did you notice that he had some difficulty in moving his head?

A He did have.

Q Did you notice that he had some difficulty and spoke in a rather low hesitating manner?

A Yes.

Q Did you notice after you were in there that the questioning was commenced by Dr. Gerber, when you gentlemen arrived in there?

A Yes, he did.

Q Now, then, in the course of the time that you were there,

Mr. Petersilge and I came into the room. You remember that?

A Yes, sir.

Q There was some discussion about whether we had the right to remain in the room while the questioning of Dr. Sheppard was going on, is that correct?

A There was some question about that.

Q What did you say?

A There was some question about that.

Q And Mr. Petersilge was insisting that he had the right and that we had the right to remain in the room while Dr. Sheppard was being questioned?

A Yes, sir.

Q Do you recall that?

A I do.

Q And it was then that the Coroner said that if we did not get out of the room that he would serve on him a subpoena and take him downtown and question him somewhere downtown. You remember that?

A Not in that manner.

Q Well, was that the effect of it?

A That was --

MR. DANACEAU: We object to it.

MR. CORRIGAN: I can't remember the exact words.

MR. DANACEAU: Well, let him tell.



Let the witness tell, then.

THE COURT:

He said not in that

manner. Now, that is where we are.

Q Mr. Rossbach, do you remember that in that conversation in which we were insisting on remaining in the room during the questioning, that Dr. Sam Sheppard began to toss back and forth in the bed and say and indicate, "Will you get out? Will you leave me alone? Will you let me talk?"

And that statement of Dr. Sam Sheppard's was addressed to Petersilge and myself? Do you remember that?

A Yes, sir.

Q And at that time do you remember that when this man was tossing in his bed, and all of us men that we have named were around him, then Coroner Gerber said, "Well, if he doesn't talk in here, we will make him talk downtown," or something to that effect, and gave you a subpoena for an inquest?

A No, sir.

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Q That did not occur?

A He gave me the subpoena out in the hall.

Q No. I am asking if that wasn't the fact. Now, you testified -- I called you as a witness in the bond hearing, Detective Rossbach, do you remember?

A Yes, sir.

Q I am now reading from Page 113 of that hearing. Was not this question asked you: Now, follow me, Mr. Rossbach.

"Well, do you remember that when this man was tossing in his bed, when all us men were around him, that then Coroner Gerber said, 'Well, if he don't talk in here, we'll take him downtown,' or something to that effect, and gave you a subpoena for an inquest?"

And didn't you answer, "That's true"?

A That was the second subpoena he gave me.

Q No. I am asking you if this question wasn't asked you under oath and if that answer wasn't given?

A Yes, he gave me a subpoena.

Q No. I am asking you now if this question that I have just read was not asked of you and if you did not give that answer? It's right here.

A If I answered it -- if it is in the record, that's just what I said.

Q All right. Now, then, it was stated, was it not, Mr. -- do you remember Mr. Petersilge saying, "Well, if

you have an inquest, it will be public, so we can hear what he says or what anybody says. You would have to have an inquest in public"? Do you remember that talk?

A Yes, sir.

Q And the result was of this talk that Sam Sheppard decreed that he wanted to talk to you and to talk to officers and give you all the information that he could, but he did not want to talk to Schottke and Gareau?

A That's true.

Q Because they had already accused him of the murder, is that right?

A The first part of your question is true.

Q Yes. He was willing -- let me put it this way, Officer Rossbach: He was willing to talk to you and to talk to Mr. Yettra, and he said that he would like somebody in that room that he had some confidence in, that he knew?

A Yes, sir.

Q And it was then that you went out and got Officer Drenkhan of the Bay Village Police Department?

A Yes, sir.

Q And then you and Mr. Drenkhan and Mr. Yettra sat in that room from about 1:30 in the afternoon until about 4:00 in the afternoon, is that correct?

A Approximately, yes, sir.

Q There was no attorney in there; we didn't stay, did we?

A No, sir.

Q You had a free hand with Dr. Sheppard, didn't you?

A (No response.)

MR. MAHON: Did you answer  
that last question?

THE WITNESS: No, I didn't  
answer it.

MR. MAHON: You did not  
answer it?

THE WITNESS: No.

THE COURT: What is the  
answer?

Q Well, you were in there alone with him --

MR. MAHON: Wait a minute.

THE COURT: Just a moment.

MR. CORRIGAN: I will withdraw it.  
Withdraw it.

MR. MAHON: Wait a minute.

MR. CORRIGAN: It's withdrawn.

Q You were in there alone with him for that length of time?

A We were in alone with him.

Q And talking to him.

Now, then, Mr. Yettra --

THE COURT: Could you stop  
there a few moments?

MR. CORRIGAN:

Yes, I can, surely.

THE COURT:

Ladies and gentlemen of the jury, we will have a few minutes' recess at this point.

Please do not discuss this case.

(Thereupon, a recess was taken at 2:50 o'clock, p.m., after which at 3:05 o'clock, p.m., the following proceedings were had:)

Q Now, Mr. Rossbach, when you were in the room with him on that Thursday afternoon with Mr. Yettra and Mr. Drenkhan, he gave his answers freely to you, didn't he?

A Yes, sir.

Q And isn't it a fact that during that examination and that questioning, that he broke down into tears a number of times?

A On two occasions.

Q On two occasions. Now, you didn't write down, you didn't make any written statement or get any written statement from him that afternoon, did you?

A No, sir.

Q And the conversation took at least three hours?

A Approximately three.

Q And during that three hours you asked him a great number of questions, didn't you?

A Yes, sir.

Q And Mr. Drenkhan asked him questions?

A That's so.

Q And you cannot remember now all the questions you asked him or all the answers that he gave you, can you?

A No, I can't remember all the questions or all the answers.

Q You remember some of them?

A The greater portion of them.

Q And you remember the general outline of what he told you about what happened in his house on the 3rd of July and the morning of the 4th of July?

A Yes, sir.

Q And I believe that one of the questions that you did tell here that you remembered and an answer that you remembered was that his wife had a lot of admirers, had a lot of admirers?

A Yes, sir.

Q And, of course, that didn't strike you as unusual, did it?

A No, it didn't strike me as unusual.

Q Most women have a lot of admirers, do they not?

MR. MAHON: I object to that,  
if your Honor please.

THE COURT: Yes.

Q But it didn't strike you as unusual?

A (No response.)

Q Now, you remembered some information that he gave you about

the description of the man and you remember that he did tell you that he had fallen asleep on the couch and that he was awakened by his -- some noise from his wife, is that right, Mr. Rossbach?

A Yes, sir.

Q And did he tell you on that occasion that his wife had had some convulsions at a previous time, and that when he awakened he thought that it was a reversion or a recurrence of convulsions that she had?

A Yes, sir.

Q Now, then, he told you about going into the room and being struck down in the room?

A He said he was struck down while going into the room.

Q Yes, going into the room. I'm not going to go over it in detail, in the detail that you did before, but I am just going to ask you some general questions.

And he heard a noise downstairs? And he went downstairs?

A Yes, sir.

Q And he followed a man down to the beach and he had a tussle with a man on the beach?

A Yes, sir.

Q And he was knocked out again?

A That's so.

Q And when he came to, he was partially in the water?

A Yes, sir.

Q Part of his body was in the water?

A That's so.

Q And that it was then daylight?

A It was breaking day.

Q Breaking day. And he made his way back to his wife's room?

A Yes, sir.

Q And did he not tell you that he thought it was a horrible dream that he was having?

A He used that expression.



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And that he wandered downstairs and tried to think of what to do or someone to call?

A Yes, sir.

Q And that the first number that came into his mind was the number of Mayor Houk, and he called him?

A Yes, sir.

Q There were things in that conversation that he did not remember, and you reminded him, were there not?

Specifically, did you remind him that you had the information that he had gone down to the lake with Don Ahern and looked at the lake?

A No, sir.

Q Did you remind him that he had gone down into the basement with the youngsters and punched the bag?

A Yes, sir.

Q You reminded him of that? He didn't tell you of that first, did he? You asked him about that?

A I asked him if he went into the basement.

Q And after you had completed your interrogation of this man on Thursday afternoon, did you then ask him if he would go to the house and go over the house with you, and show you or give a physical demonstration of what he had told you on Thursday afternoon?

A Yes, sir.

Q And what did he answer when you requested him to go to the

house with you?

A He said, yes, he would go.

Q And didn't he further say that he would go anywhere with you, and that he wanted to help you in any way he could?

A Yes, sir.

Q Now, then, the next day, or that evening, is it not a fact that you and Mr. Yettra went to the house of Dr. Sheppard, Sr.?

A Yes.

Q And there was also there at that time a man from the Cleveland Police Department who took the fingerprints of everybody in the Sheppard household; do you recall that?

A Not everyone.

Q Well, who was that man, by the way?

A Mr. Ruble.

Q How do you spell that?

A R-u-b-l-e.

Q And he is a member of the Cleveland Detective Bureau?

A Yes, sir.

Q And whose fingerprints did he take?

A He took Dr. Stephen Sheppard's fingerprints, Dr. Sam's, Dr. Richard's, and Mrs. Stephen Sheppard.

Q Now, then, that was the mother?

A No. That is Dr. Stephen Sheppard's wife.

Q Oh, Stephen Sheppard's wife. Did he take Mrs. Richard

Sheppard's fingerprints?

A No, he didn't.

Q Now, then, you were in the house that evening, and those people were all there?

A Yes, sir.

Q Did you have any conversation with him?

A I did.

Q Now, then, was the little boy there they call Chip?

A Yes, sir.

Q Did you have some conversation with Chip?

A I did.

Q And did you question him as to what he knew?

A Yes, I did.

Q And you got such information as you could out of that little boy, didn't you?

A I did.

Q Now, then, in the conversation on Thursday afternoon, was there any question brought up about a sheet that covered the lower part of his wife's body?

A Yes, sir.

Q And did you question him about that?

A I did.

Q And what did he say?

A He said that he observed that she was not covered, and that when he walked into the bedroom he covered the lower

part of her body.

Q Did he say anything further?

A He said she was a very modest woman.

Q She was a very modest woman. Now, then, the next day, that would be Friday, July 9th, as I have it -- that is correct, is it not? Friday, July the 9th?

A Yes, I believe that is correct.

Q What?

A That's correct.

Q And what time did you arrive at the Sheppard home on that day?

A Approximately 2 or 2:30 in the afternoon.

Q And you completed your interview with him about 5 o'clock in the afternoon, do you remember that?

A Friday?

Q Friday, yes.

A No.

Q What time?

A It was after he had gone through the house, and we were talking to him on the porch.

Q What time was that?

A About 5 o'clock.

Q Now, then, when you arrived at the house on that day, there was a great number of reporters and photographers there, wasn't there?

A There was some reporters there.

Q And Dr. Gerber was also there?

A Yes, sir.

Q Do you recall whether there was any other police officers in the house during that period of time, besides yourself and Mr. Yettra?

A Some member of the Bay Village Police Department.

Q Do you recall who he was?

A No, I don't.

Q Do you recall that the other persons that were in the house were myself and Mr. Petersilge and Dr. Gerber?

A Yes, sir.

Q Did Richard Sheppard -- Dr. Richard Sheppard nor Steve Sheppard were not there, were they?

A No, sir.

Q Now, then, you proceeded with Dr. Sheppard to go through that house and to go over the grounds leading down to the beach, is that correct?

A That's correct.

Q Was there any unwillingness at any time shown by Dr. Sheppard to respond to any of your questions, or to go anywhere that you wanted him to go?

A He didn't show any unwillingness.

Q Now, then, in the course of that journey through that house on that day, you went upstairs into all the rooms, you

went into all the rooms downstairs, and you went through the basement?

A Yes.

Q And all the rooms in the basement. Did I accompany you at any time?

A No, sir.

Q Did I interpose any questions or any objections at any time?

A You did not.

Q Now, then, you went down to the beach, down the steps to the beach, and down by the boat house in the course of this journey on that afternoon, did you not?

A That is a bath house, Mr. Corrigan.

Q Yes, a bath house, and after you had completed the journey to the house, and such questioning as you thought was pertinent, you went into what is known as the den, did you not?

A Yes, sir.

Q And there was some questioning of him in the den, and some examination of the articles in the den?

A Yes, sir.

Q And one of the articles that was examined was this doctor's bag?

A Yes, sir.

Q And things were taken out of it, including surgical implements, medicine, and so forth, and examined by him?

A They were not examined by me.

Q No, but, I say, you saw him examine it?

A Yes, sir.

Q And after that examination was completed they were put into the bag, and he requested the right to take the bag away?

A Yes, sir.

Q You do remember that?

A I do.

Q Now, then, after that was over, you talked with him on the front porch?

A Yes, sir.

Q And the discussion amounted to the fact that you desired that he make a written statement?

A Yes, sir.

Q Do you remember that?

A I do.

Q And you at that time on that afternoon wanted him to come downtown to make a written statement, do you remember that?

A Yes, sir.

Q And I suggested that you bring your stenographer out there and have the witness' statement taken right there at the house that afternoon, do you recall?

A Yes, sir.

Q And you said that your custom or your manner of doing

business, that the written statement was to be taken downtown in the Sheriff's office, in your own office?

A Yes, sir.

Q And it was arranged that he should come to your office on the next day, or someone should call you up and make arrangements for his appearance on the next day?

A Yes, sir.

Q And that concluded your examination on that day, didn't it?

A Yes, sir.

Q And the next day he did appear at your office up here on the fourth floor of the County Jail?

A Yes, sir.

Q Now, your office on the fourth floor of the County Jail is located where?

A That would be in the southwest section of the County Jail.

Q That is in the jail proper? You have to be admitted to that part of the jail by the order of the Sheriff?

A Yes, sir.

Q It isn't the general office of the Sheriff where I could walk into or any other citizen could walk into, but this is a part of the jail where certain precautions are laid down before anybody can get in there, is that right?

A They must be furnished with a visiting card.

Q Must be furnished with a card by the deputy who is at the door?



A Yes, sir.

Q Now, then, when he came to that part of the jail on Saturday morning, he was accompanied by whom?

A His brother, Dr. Stephen, and Mr. Petersilge.

Q And during the entire part of the conversation, where was his brother Steve?

A Sitting in the portion of the Sheriff's office.

Q That is, he was outside the guarded portion of the jail, wasn't he?

A Yes, sir.

Q And where was Mr. Petersilge?

A He was with Dr. Sam.

Q He was admitted inside, was he?

A Yes.

Q Was he to the guarded portion of the jail?

A Yes.

Q Now, then, when Dr. Sheppard was taken back to your office, which was in that guarded portion of the County Jail, did Mr. Petersilge accompany him back to that part of the jail?

A Yes.

Q And was I there?

A No, sir.

Q Didn't see me at all, did you?

A No, sir.

Q Now, then, when you went back into your office, what other persons were there besides you and Dr. Sheppard and Mr. Petersilge?

A Detective Gareau, Schottke, and Miss Bauer of the prosecutor's office.

Q Miss Bauer?

A Yes, sir.

Q Were any of these gentlemen there?

A Not during the time that the statement was taken.

Q No. I am talking about the -- first you questioned him, did you not?

A Yes, sir.

Q And were any of these gentlemen there while you questioned him?

A Mr. Parrino was there.

Q Now, then, after you started to question him in this office, did you allow Mr. Petersilge to remain in there?

A I don't recall whether he was in there during the entire interview or not.

Q Well, to refresh your recollection, is it not a fact that when you started this questioning, you asked Mr. Petersilge to leave, and he did leave?

A I don't recall.

Q Now, then, the questioning started about 9 o'clock in the

morning?

A It was later than 9.

Q 9:30?

A 9:30, 9:45.

Q 9:30 or 9:45, and that questioning in that room continued until what time?

A About 11 o'clock.

NS  
TK 19

Q And during that time, Mr. Parrino asked him questions?

A Yes, sir.

Q You asked him questions?

A Yes, sir.

Q Mr. Schottke and Mr. Gareau asked him questions?

A Yes, sir.

Q Was Mr. Yettra there?

A No, sir.

Q And he answered all your questions freely, did he not?

A Yes, sir.

Q Then after you had completed your questioning of him in that room, was there an arrangement made whereby there would be reduced to writing the statements that he had been making during the morning?

A Yes, sir.

Q And about what time did you start to reduce the statement to writing?

A 11 a.m.

Q Now, then, that statement that we have here, Exhibit No. 48, was made as a result of questioning as you went along through the morning and the afternoon?

A Yes, sir.

Q And as he would answer a question and as he would make a statement, Miss Bauer, who was an Assistant Prosecutor, would put it down on the typewriter?

A That is correct.

Q Now, then, it shows that that statement was concluded at 4:15 p.m.?

A Yes, sir.

Q That is your recollection of the time?

A Yes, sir.

Q Now, then, after it was concluded, then you all read it over?

A Yes, sir.

Q And there were some small corrections made in it, one on the -- have you got these pages numbered?

A They should be.

MR. PARRINO: At the bottom  
of the page.

MR. MAHON: The numbers are  
on the bottom.

Q Oh, second page, I see.

On the second page there is a correction in which something is rubbed out here. It doesn't amount to anything. It was originally, "a T-shirt white," and it was corrected to "a white T-shirt," and he made that correction.

And also a correction on Page 3 where he says, "I rounded" something "of the living room," and that was corrected to, "I rounded the L of the living room."

Now, then, after it was all completed, do you know what time in the afternoon that you adjourned?

A Approximately four o'clock.

Q Well, it wasn't completed until 4:15, as shown here.

Now, wasn't it read after that?

A It was read and then it was signed.

Q And then it was signed?

A And then it was 4:15.

Q What?

A And then it was 4:15.

Q And concluded at 4:15.

Now, from the time he arrived there in the morning until it was finally concluded at 4:15, did you adjourn at all?

A At various intervals.

Q What?

A At various intervals.

Q And what were those adjournments for?

A We asked the defendant if he was tired, if he wanted a rest period or if he wanted some nourishment.

Q And how long were the adjournments during that time?

A 10 or 15 minute intervals.

Q Did you stop for dinner?

A No, sir.

Q There was no stop for lunch?

A No stop for lunch.

Q Now, then, you went to the house almost every day, did you not, you were around in that neighborhood almost every day investigating this matter?

A Yes, sir.

Q And looking for what you could find that would solve this crime?

A Yes, sir.

Q The lake was searched?

A Yes, sir.

Q The house was searched many times, was it not?

A Many times.

Q In the search of the house, did you find a key?

A No, sir.

Q The grounds were searched many times?

A Yes, sir.

Q The former owner was brought over there, was he not, to aid in the search?

A He was.

Q To show you where there might be some hidden place around the property?

A Yes, sir.

Q And he gave you the assistance he could?

A He did.

Q During the search, did you dig up the sewer?

A No, sir.

Q Did anybody dig it up?

A Not to my knowledge.

Q Was anything dug up?

A Not during my time there.

Q What?

A Not during the time that I was there.

Q I see. Did you examine fires and incinerators around in the neighborhood?

A Yes, sir.

Q To see if anything of a suspicious nature had been burned in those fires?

A No, sir.

Q But you did examine them?

A Yes, sir.

Q And you were looking for something, were you not?

A Oh, yes.

Q What were you looking for?

A Any kind of a weapon that might be used to commit this crime.

Q And that search continued on up until the 17th day of July, is that correct? I am talking now of the day on which you met -- I am fixing that date because that was the day you met at the Coroner's office.

A Yes, sir.



Q What?

A Yes, sir.

Q Now, then, when you met at the Coroner's office on the 17th day of July, were the wounds that were on Marilyn Sheppard's body explained to you?

A Yes, sir.

Q Was it explained to you that the wounds on the front of her head were one inch apart?

A I just don't recall how far apart they were, but I know there was some mention made of the wounds.

Q I see. And they showed you colored slides?

A Yes, sir.

Q And was there any mention about looking for a man or a person with a bite on their finger?

A Not to my knowledge.

Q You still continued in your search for something that would give you some information about this crime, didn't you?

A Yes, sir.

Q There was a mine detector used out there?

A Yes, sir.

Q Sometime in August you had frogmen or there were frogmen out there that searched the bottom of the lake; do you recall that?

A I understood they were out there. I didn't see them.

Q I see. Now, on one occasion, on one search there was a

T-shirt found, was there not?

A Yes, sir.

Q And where was that found?

A That was found west of the Sheppard home at a pier directly behind the Schuele residence.

Q And that pier that is directly behind the Schuele residence is a pier that reaches out into the lake some 25 or 30 feet?

A Yes, sir.

Q Made of stone, and is on the borderline, practically, of the Schuele property and the Sheppard property?

A Yes, sir.

Q And who found the T-shirt?

A I don't recall the man's name, but he is an employee of the Village of Bay.

Q If I should give you the name of Jack Fur, would that --

A That refreshes me, yes.

Q That refreshes you. And there was also a Bay Village policeman there, was there not?

A Yes, sir.

Q By the name -- do you know his name?

A Ely?

Q L-i-p-a-j?

A Yes, sir.

Q And when that T-shirt was found, it was found snagged on a piece of wire?

- A Yes, sir.
- Q Right at the Schuele pier. What was done with the T-shirt?
- A The Bay Village officers turned it over to the Coroner.
- Q Was he there that day?
- A No, sir.
- Q What?
- A No, sir.
- Q Did you ever see it again?
- A I did not.
- Q Was it ever taken down and shown to Sam Sheppard, as far as you know?
- A Not to my knowledge.
- Q Now, then, on the 30th of -- on the 21st of July and the 22nd of July you were present at the inquest that took place in Bay Village, were you not?
- A Yes, sir.
- Q And you attended the entire inquest, did you not?
- A Yes, sir.

MR. CORRIGAN:  
these for identification?

Will you mark

(Defendant's Exhibits  
HH through RR, being  
photographs, were marked  
for identification.)

- Q Now, Mr. Yettra --

MR. MAHON:

Rossbach.

MR. CORRIGAN: I don't know who should be mad at me for that, you or him.

THE COURT: You ought to look at him.

MR. CORRIGAN: Well, they are together so often I confuse them.

Q Handing you a picture marked as Exhibit HH, will you look at that and see if you recognize that scene?

A Yes, sir, I do.

Q What is it?

A That is the gymnasium of Normandy School in Bay Village, Ohio.

Q And is that a fair representation of the crowd that was present at the inquest when you were present?

MR. MAHON: I want to object to this, any description of them, your Honor.

THE COURT: Yes. The objection will be sustained.

MR. CORRIGAN: You don't want me to ask these questions?

MR. MAHON: I am objecting to any description of what those pictures show. I don't think they are competent at all in this case.

Q Handing you Defendant's Exhibit II, will you look at that

picture, Mr. Rossbach, and state whether you recognize that picture or what is shown by that picture?

MR. MAHON: I object to what  
is shown by it.

THE COURT: Well, the Court  
doesn't know what they are.

(Documents submitted to the Court by the  
witness.)

THE COURT: The objection will  
be sustained.

MR. CORRIGAN: Except.

tke 20

Q

Handing you Exhibit No. JJ, I will ask you the same question:

Do you recognize where that picture was taken?

MR. MAHON:

Objection to that,

too.

THE COURT:

Objection sustained.

MR. CORRIGAN:

Except.

Q

Handing you Exhibit LL, I will ask you if you recognize the scene shown in that picture?

A

Yes, sir.

Q

And what is it?

MR. MAHON:

Objection.

THE COURT:

Sustained.

MR. CORRIGAN:

Except.

Q

Handing you Exhibit MM, I will ask you if you recognize the scene shown in that picture?

A

I do.

Q

And what is it?

MR. MAHON:

Objection.

THE COURT:

Sustained.

Q

Handing you Exhibit NN, I will ask you if you recognize the scene shown in that picture?

A

Yes, sir.

Q

And what is it?

MR. MAHON:

Objection.

THE COURT: Sustained.

Q And handing you Exhibit OO, I will ask you if you recognize the scene shown in that picture?

A I do.

Q And what is it?

MR. MAHON: Objection.

THE COURT: Objection sustained.

Q And handing you Exhibit PP, I will ask you if you recognize the scene shown in that picture?

A Yes, sir.

Q And what is it?

MR. MAHON: Objection.

THE COURT: Objection sustained.

Q And handing you Exhibit QQ, I will ask you if you recognize the scene in that picture?

A I do.

Q And what is it?

MR. MAHON: Objection.

THE COURT: Sustained.

Q And handing you Exhibit RR, I will ask you if you recognize the scene in that picture?

A Yes, sir.

Q And what is it?

MR. MAHON: Objection.

THE COURT: Sustained.

MR. CORRIGAN:  
Exhibits SS and TT.

Mark this Defendant's

(Defendant's Exhibits  
SS and TT, being cellophane  
folders containing letter  
and envelope, were marked  
for identification.)

Q Now, Mr. Rossbach, handing you a cellophane folder  
containing an envelope and a letter, I will ask you to look  
at that and state whether or not you have ever seen that  
before (referring to Defendant's Exhibit SS)?

A Yes, sir.

Q And handing you another cellophane folder containing a  
typewritten letter and an envelope, Defendant's Exhibit TT,  
I will ask you to examine that and tell me whether you have  
seen that before?

A Yes, sir.

Q And where did you see them first?

A They were given to me by you.

Q And you later returned them to me?

A Yes, sir.

Q Could you state to me, Mr. Rossbach, how long they were in  
your possession?

A Approximately a week.

Q In your examination or your investigation, did you come  
across the picture of the print of a woman's barefoot?

A No, sir.



Q Was it ever called to your attention?

A No, sir.

Q Was a pair of glasses that were found on the beach ever called to your attention?

A No, sir.

Q Was a handkerchief that was found on the beach ever called to your attention?

A No, sir.

Q Now, in the examination of the house, you have noticed that --

MR. CORRIGAN: Before I come to that, I offer in evidence Defendant's Exhibits HH to RR, your Honor.

MR. MAHON: What is that?

MR. CORRIGAN: Those are the pictures that you objected to.

MR. MAHON: We objected to all of them, if your Honor please. They have all been sustained.

THE COURT: They will not be received.

MR. CORRIGAN: Exceptions.

(Defendant's Exhibits HH to RR were offered in evidence, and admission of same was rejected.)

Q In the examination of the house, you made an examination of the room in which Marilyn was killed, did you not?

A Yes, sir.

Q Now, handing you State's Exhibit No. 22, Mr. Rossbach, which is a picture of the door, the bedroom door, and the door in the closet, do you recognize them as such, that it is a picture of the door leading into Marilyn's bedroom and also the door of the closet?

A Yes, sir.

Q Have you seen that picture before?

A No, sir.

Q In your service as a detective, have you made any research on the result of blood stains on a surface?

A No, sir.

Q You notice that in this picture some of the blood stains are larger than other blood stains?

A Yes, sir.

Q That appear in the picture. Now, in addition to making your examination of this door, did you examine other parts of the room?

A I did.

Q Did you make any written notation --

A No, sir.

Q -- of what you noticed about the other walls in the room?

A No, sir.

Q Do you have a recollection now of the fact that there was blood stains on other parts of the room besides the two doors, as depicted in this picture, Exhibit 22?

A Yes, sir.

Q And where were those other blood stains?

A On the west -- on the north wall, on the south wall.

Q And no photographs were taken by you?

A Not by me.

Q And you have seen no photographs of them?

A No, sir.

Q Now, in the conversations that were had with this man on Thursday afternoon when you were in his room --

THE COURT: You mean Dr. Sam?

Q Dr. Sam's room, that would be Thursday, July the 8th -- Friday, July the 8th --

THE COURT: No. Friday is the 9th.

Thursday is the 8th.

Q Thursday, the 8th, Friday, July the 9th, and on Saturday, July the 10th, the statements that were made by Dr. Sheppard at all times were substantially the same, were they not?

A Yes, sir.

Q And you listened to him when he testified at the inquest as to what he had to say -- I will change that. You listened with attention -- withdraw that.

You remained throughout the entire inquest, did you not, Mr. Rossbach?

A Yes, sir.

Q And you listened with attention to what he had to say, to his testimony, that is, to Dr. Sam's testimony?

A Yes, sir.

Q And the statements generally referring to the happening that occurred on the night of July the 3rd and the morning of July the 4th, was substantially the same as he had said right along?

MR. PARRINO: Objection.

THE COURT: Objection sustained.

MR. CORRIGAN: What is wrong with my question?

THE COURT: It is not for him to say.

MR. PARRINO: It is a question for the jury.

THE COURT: Sure.

Q No. I am saying, what you heard him say in all of those conversations was substantially the same, is that not right?

MR. MAHON: I object to that.

THE COURT: Yes. Objection sustained.

MR. MAHON: Let him describe what

he said and tell what he said.

Q Well, was there anything different, any substantial difference in any of the statements made by Dr. Sheppard?

A No, sir.

Q Now, then, you remember this:

He was brought to the jail on Friday, July the 30th, under arrest. Were you there?

A No, sir.

Q When did you first see Dr. Sheppard in jail after his arrest?

A The following morning.

Q And did you have some conversation with him the following morning?

A Just greeted him, that was all.

Q Just to greet him. Did you see officers of the Cleveland Police Department in the jail on that morning?

A Yes.

Q And they were questioning him?

A I don't know. I saw them in the building --

Q Well, in the questioning of Dr. Sheppard, they did use your office, did they not, on the fourth floor?

A Yes, sir.

Q And it was in use on Saturday by Cleveland police officers?

A Saturday?

Q Saturday, July the 31st.

A I can't --

Q The day after his arrest.

THE COURT: The day after the  
arrest.

A I can't say that I saw anyone in there. They may have used  
it.

Q Well, did you see them use it on Sunday, or did you work  
Sunday?

A I worked, but I wasn't here.

Q Did you see them use it on Monday?

TK 21 A No, sir.

Q Did you see them use it on Tuesday?

A No, sir.

Q Now, sometime after his arrest he was taken out of the jail by you, Mr. Rossbach, was he not?

A Yes, sir.

Q And was he taken out more than one occasion?

A Several occasions.

Q Well, he was taken to Court on some motions that I filed. I will eliminate those. Was he taken anyplace when I was not present?

A Yes, sir.

Q And where was the first place?

A He was taken to the Central Station on the third floor in the Bertillon office.

Q What day was he taken to the third floor in the Bertillon office?

A May I refresh myself with my notes?

Q Yes. Look at it.

A August 2nd.

Q That would be on a Monday?

A Yes, sir.

Q And what time was he taken out of the jail on Monday, August 2nd?

A 12:20 p.m.

Q And who took him out?

A Mr. Yettra and I.

Q And where did you take him to?

A To the Central Station.

Q That is, the Cleveland Police Headquarters?

A Yes, sir.

Q Just up the street. And where was he taken to?

A To the third floor in the Bertillon office.

Q What was done there?

A Photographed and printed.

Q I don't understand printed.

A Fingerprinted.

MR. MAHON: Fingerprinted.

THE COURT: Photographed and  
fingerprinted.

Q And was he questioned there?

A No, sir.

Q Then you brought him back?

A Yes, sir.

Q Now, then, when was the next time he was taken out of the  
jail when I was not present?

A That evening at 7:30 p.m.

Q And where was he taken at 7:30 p.m. on that evening?

A To the City Hospital.



Q Who took him there?

A Mr. Yettra and Mr. Boyett and Lonchar of the Cleveland Police Department.

Q Were you along?

A Yes, sir.

Q Well, there was four of you, then, that took him --

THE COURT: Did you say  
yes or no?

THE WITNESS: Yes, sir.

Q -- that took him over to the City Hospital at 7:30 p.m.?

A Yes, sir.

Q How long was he held at City Hospital?

A We returned there about 10:35. About 10:00.

Q That is, you got back here at 10:00?

A 10:45.

Q 10:45. Now, then, when you took him to the City Hospital where did you take him?

A We took him in the X-ray room.

Q Did you remain in there?

A We remained at the door.

Q Was the door open?

A Part of the time.

Q Could you see him?

A Yes, sir.

Q What was going on?

A Yes, sir.

Q And who was in that room?

A Several doctors and Detective Boyett.

Q Do you know who the doctors were that were in that room?

A Yes, sir.

Q Will you give me their names?

A Dr. Green, Dr. Braden and Dr. Slade.

Q Sladen?

A Slade.

MR. PARRINO: Slade.

Q Dr. Green is the doctor for the Police Department of the City of Cleveland, isn't he?

A Yes, sir.

Q Now, then, did you see those doctors examine him?

A Yes.

Q Were his clothes taken off?

A Yes, sir.

Q All of them?

A No. To his waist.

Q What?

A To his waist.

Q He was bare to his waist. And then he was returned at 10:45 to the County Jail?

A Yes, sir.

Q In the operation of the County Jail, there is a doctor in

attendance, is there not?

A Yes, sir.

Q And there are nurses in attendance?

A Yes, sir.

Q And on the 11th floor of the County Jail there is an equipped examining room?

A Yes, sir.

Q And the doctor that is in charge of the County Jail is Dr. Mankovich?

A Yes, sir.

MR. CORRIGAN: That is all.

Thank you, Mr. Rossbach.

MR. PARRINO: I will be very brief, Judge, and I think that maybe we can finish with Mr. Rossbach.

REDIRECT EXAMINATION OF CARL ROSSBACH

By Mr. Parrino:

Q At the County Jail, you do state that on the eighth floor you have certain facilities for prisoners who are not well, is that correct?

A Yes, sir.

Q Do you have any X-ray equipment in the County Jail?

A No, sir.

Q Now, you do state to Mr. Corrigan that on one occasion you

did interview Chip, is that correct?

A I did.

Q When was that time that you interviewed Chip, please?

A It was on Thursday, July 8th.

Q And where did you interview him?

A At his grandfather's home on West Lake Road.

Q And who was present, if anyone, during that interview?

A His aunt, Mrs. Stephen Sheppard.

Q And how long did that interview take, approximately?

A About an hour.

Q And was Mrs. Sheppard present during the entire interview?

A Yes.

Q Now, calling your attention again, please, to the time that you questioned the defendant on July 8th at Bay View Hospital; do you recall that?

A Yes, sir.

Q Prior to that questioning, do I understand that a request was made for a Bay Village patrolman to participate in that questioning?

A Yes, sir.

Q And by whom was that request made?

A Dr. Stephen Sheppard.

Q By anyone else?

A And Mr. Corrigan.

Q By anyone else?

A And Dr. Sam.

Q And what patrolman was -- withdraw that.

Who was it requested to participate in that interrogation?

MR. CORRIGAN: Object to that.

He just said --

MR. PARRINO: Withdraw that.

Q Was there any particular police officer named who was to participate in that questioning?

A Yes, sir.

MR. CORRIGAN: Object to that.

He said Officer Drenkhan.

MR. MAHON: He hasn't said that yet.

THE COURT: Let him answer.

A Officer Drenkhan.

Q Now, something has been stated about some subpoenas that you had in your possession there on the 8th at Bay View Hospital. Now, how many sets of subpoenas did you have in your possession on that day?

A Two.

Q And what happened to the first set of subpoenas?

MR. CORRIGAN: Object. He said he tore them up. It has all been gone over, your Honor.

THE COURT:

Sir?

MR. CORRIGAN:

I say, it has all been gone over. He is going over the same thing again.

MR. MAHON:

No, we didn't go over this.

THE COURT:

He has testified to the subpoenas. He asked him how many there were, and he said two.

Q You did testify previously that the first set of subpoenas were torn up, is that correct?

A Yes, sir.

Q Now, when were the second set of subpoenas given to you and by whom?

A After some discussion between Mr. Corrigan and Dr. Gerber, the subpoena was torn up and later on Dr. Gerber was going to issue the second subpoena.

THE COURT:

On the same day?

THE WITNESS:

The same day at the same place.

Q And what happened in that respect?

A And then they decided that they wouldn't have to serve the subpoena and that the questioning could go on without counsel being present.

Q I see. But were the second set of subpoenas made up,

however?

A Yes, sir.

Q Now, do you recall Mr. Corrigan asking you this question a moment ago: Did you have a free hand in questioning the defendant, Sam Sheppard, there on the 8th? Do you recall that question?

A Yes, sir.

Q Now, did you have a free hand in questioning the defendant on that day?

A No, sir.

Q Describe what occurred?

A After we questioned Dr. Samuel Sheppard for about an hour, his brother, Dr. Richard, came in and examined him, asked him a few questions.

Then an hour later, his brother, Dr. Stephen came in and went through the same.

Then at approximately 4:00 o'clock, his father, Dr. Richard, Sr., came in and said, "That's enough, he's kind of weak now," and he said, "I think we better call it a day."

MR. PARRINO:

That is all.

RE-CROSS-EXAMINATION OF CARL ROSSBACH

By Mr. Corrigan:

Q Now, Mr. Rosbbach, you questioned him for an hour and then

his brother, Richard, come in and inquired how he was getting along?

A Took his pulse.

Q What?

A Took his pulse.

Q And took his pulse and went out. Then you continued the questioning?

A Yes, sir.

Q For another hour and another doctor came in and took his pulse?

A Yes, sir.

Q They didn't interfere with your questioning, did they?

A We had to discontinue until he got through asking him questions.

Q You had to discontinue as long as they took his pulse. And then late in the afternoon when his father come in, you had completed your questioning, hadn't you?

A No, sir.

Q What more did you have to ask him? You were at him for three hours.

A We could have asked him numerous questions.

Q I suppose so. I will come back to that.

The Cleveland Police Department in your jail asked him questions from 11 o'clock in the morning until 12 o'clock at night, didn't they?



MR. DANACEAU: Objection.

THE COURT: Objection sustained.

MR. CORRIGAN: That is all.

MR. PARRINO: That is all.

THE COURT: Thank you, sir.

(Witness excused.)

THE COURT: Let's have quiet,  
please, gentlemen.

Ladies and gentlemen of the jury, without  
any formality at all, we will now be adjourned  
until 9:15 tomorrow morning.

Please observe the Court's caution, do  
not discuss this case with anyone.

(Thereupon, at 4:15 o'clock, p.m., an  
adjournment was taken until 9:15 o'clock, a.m.,  
on Tuesday, November 23, 1954.)

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Tuesday Morning Session, November 23, 1954.

(9:15 o'clock a.m.)

Thereupon the State of Ohio, further to maintain the issues on its part to be maintained, called as a witness EARL JOHNSTON, who, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Danaceau:

Q May we have your name, please?

A Earl Johnston.

Q And where do you live?

A 511 Broadway, Bedford, Ohio.

Q And you work for the Coroner of this County?

A I do.

Q In what capacity?

A Assistant custodian.

Q And how long have you been assistant custodian?

A Approximately nine months.

Q Were you on duty on July the 4th of this year?

A I was.

Q And were you on duty when the body of Marilyn Sheppard arrived at the Coroner's office and morgue?

A I was.

Q Were you the one that took the clothing off Marilyn Sheppard's body?

A Yes, sir.

MR. DANACEAU: Mark this 50-A  
and 50-B.

(State's Exhibit 50-A  
and 50-B, being pajamas,  
was marked for identification.)

Q I will show you what has been marked as State's Exhibit 50-A and 50-B, and ask you to state whether or not these are the pajamas that you removed from the body of Marilyn Sheppard?

A They are.

MR. DANACEAU: We offer in  
evidence State's Exhibit 50-A and 50-B.

THE COURT: Weren't they marked  
before?

MR. DANACEAU: I thought they  
were marked, but they say no. I thought they  
were marked when we tried to introduce --

THE COURT: Well, they will be  
received.

(State's Exhibit 50-A and  
50-B was offered and  
received in evidence.)

- Q Did you examine these pajamas, sir, after you removed them?
- A Yes. The pajamas were examined.
- Q Were they torn at any time?
- A Not that I know, sir.
- Q To whom did you deliver the pajamas after you took them off?
- A The property room.
- Q The property room of the County Coroner's office?
- A Yes, sir.
- Q Did you also remove any rings from the fingers of Marilyn Sheppard?
- A Yes, I did.
- Q From which finger or fingers?
- A From the left ring finger of the left hand.
- Q Will you point out --
- A This finger here (indicating).
- Q The same finger that you have a ring on?
- A Yes.
- Q And how many rings were there?
- A Three.
- Q And where were they on the finger with respect to the knuckle?
- A They were behind the knuckle.
- Q Just where your ring is there now?
- A Yes.
- Q Did you notice anything about the fingernail when you

removed those rings?

A Yes. The fingernail was torn.

Q And you removed the rings over the -- that is, off the finger and over the fingernail?

A Yes.

MR. DANACEAU:

Mark these 51-A,

51-B and 51-C.

(State's Exhibit 51-A, B and C, being rings, was marked for identification.)

Q I will hand you what has been marked State's Exhibits 51-A, B and C, and ask you whether those are the rings which you removed from the finger of Marilyn Sheppard's body?

A Yes, they are.

MR. DANACEAU:

We offer in evidence

State's Exhibits 51-A, B and C.

THE COURT:

They will be received.

(State's Exhibit 51-A, B and C was offered and received in evidence.)

Q Now, when you took the rings off the finger did you put them in an envelope?

A Yes, sir, I did.

Q Is this the envelope?

A Yes.

Q Is that your handwriting on it?

A It is.

Q And to whom did you turn them over?

A That also was turned over to the property room.

MR. DANACEAU: Will you mark this  
State's Exhibit 51-D?

(State's Exhibit 51-D,  
being an envelope which  
contained rings, was  
marked for identification.)

MR. DANACEAU: We offer in evidence  
State's Exhibit 51-D.

THE COURT: It will be received.

(State's Exhibit 51-D  
was offered and received  
in evidence.)

Q Were there any other articles that you removed from the  
body of Marilyn Sheppard?

A No, sir.

MR. DANACEAU: You may inquire.

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CROSS-EXAMINATION OF EARL JOHNSTON (9:30 o'clock, a.m.)

By Mr. Corrigan:

Q Mr. Johnston, when property is received in the Morgue, you put a slip on it. This slip shows that the top of the pajamas were brought in by F. H. Pease?

A Yes, sir. That's the funeral home that brought the body in.

MR. DANACEAU: I didn't hear what he said.

MR. GARMONE: He said, yes, that's the F. H. Pease Funeral Home.

Q It says "Pease, F. H."

A Pease Funeral Home.

MR. DANACEAU: Speak up, please. I can't hear you.

THE WITNESS: Pease Funeral Home.

Q Well, it says "Pease, F. H." doesn't it?

A Yes, sir, it does.

Q It doesn't say funeral home at all.

And the name that appears there signed is Gallagher, isn't it? That's not Johnston?

A No, sir.

Q Now, the lower part of the pajamas has no card on it at all, has it?

A No, sir, it hasn't.

Q When an article is received in the Morgue, somebody accounts for it, and then is it entered in a book?

A Yes, sir. It is entered into a property book.

Q Entered into a property book. And that book is out there in the County Building?

A Coroner's Office.

Q Do you have a book there, also, that registers the people who visit that building?

A That, I wouldn't know, sir, whether they do or not.

Q Well, you have been there since --

MR. DANACEAU: I object.

A I haven't any at my desk.

Q What?

A I haven't any at my desk. They may have one upstairs.

Q Aren't there groups of people that come there and tour the building?

A Yes, sir.

Q You have seen that?

A Yes, sir.

Q And do not those people, are they not asked to register?

A I don't conduct the tours. I don't know.

Q Who conducts the tours?

A One of the office personnel upstairs.

Q What is the name of the person?

A Well, there are several who do it.



Q Give me their names, please?

A Well, Mrs. Falsgraf.

Q Mrs. Falsgraf.

A Mr. Keefe.

Q Mr. Keefe.

A Mr. Blocker.

Q How do you spell that?

A B-l-o-c-k-e-r.

Q And when these tours are conducted of the building, the visitors are brought all through the building, aren't they?

A Yes, they are taken through the building.

Q And you have been there at times when people have been conducted through the building, have you not?

A Yes, sir.

Q And you have been there at times when the bed sheets and the various articles connected with the murder of Marilyn Sheppard had been shown to people who have gone through the building?

A No, sir, I have not.

Q Never saw that, did you?

A No, sir, I have not.

MR. CORRIGAN: All right. That  
is all.

MR. DANACEAU: That is all, sir.

MR. GARMONE: Just a minute.

MR. CORRIGAN:

Wait a minute.

That is all.

(Witness excused.)

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Thereupon, the State, further to maintain the issues on its part to be maintained, called as a witness RICHARD SOMMER, who, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION OF RICHARD SOMMER

By Mr. Mahon:

Q Will you tell us your name, please?

A Richard Sommer.

Q Where do you live, sir?

A Pardon, sir?

Q Where do you live?

A In Bay Village.

Q What address?

A 27031 West Lake Road.

Q And what is your business?

A I am a fireman with the City of Bay Village.

Q Mr. Sommer, I want to call your attention to the morning of July 4th of this year. Did you have an occasion to call at the home of Sam Sheppard?

A Yes, sir, I did.

Q And what time did you go there?

A Approximately 5:57, sir.

Q How did you get there?

A Drove the ambulance.

Q Did anyone accompany you?

A Yes, sir. A volunteer fireman, Ronald Callahan.

Q What time did you arrive at the house there?

A Approximately 6:00 o'clock, sir.

Q And who was there when you arrived?

A The two policemen that left before I did, Patrolman Drenkhan and Cavanaugh, the Mayor, the Mayor's wife, and that's all I saw when I got to the house.

Q Did you see Sam Sheppard there?

A Yes, sir. I glanced in the study and saw him, sir, but that's all.

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Q And where was he in the study?

A Sitting in the chair, sir.

Q And what did you do there?

A Took the stretcher upstairs and stood by until Dr. Richard came.

Q Did you go into the bedroom?

A Yes, sir, I did.

Q What did you see there?

A Marilyn Sheppard on the bed, sir.

Q What was her condition?

A She was -- well, sir, she had been hacked. She was bloody. Dead, sir.

Q How long were you there before Dr. Richard came?

A Oh, sir, I'd say approximately 20 minutes to a half hour.

Q Were you downstairs or upstairs all of that time?

A Both downstairs and upstairs, sir.

Q Did you go any place else that morning outside --

A Yes, sir.

Q Where did you go?

A Down on the beach.

Q On the beach?

A Yes, sir.

Q Did anyone accompany you there?

A Yes, sir. The volunteer fireman, Ronald Callahan.

Q Did you go down on the beach of your own accord, or were you directed to go down there?

A The first time, sir, we walked down on the steps to the boat house on our own accord. We didn't go on the beach then, and we came back upstairs, at which time we saw Sergeant Hubach. We told him that we saw some fishermen on the pier at Huntington. He requested that we go down and get the names of these fishermen, so we did.

Q And about what time did you go down on the beach at that time?

A Oh, sir, I'd say approximately 6:30.

Q Now, the first time you went down, you did not go down on the beach itself?

A No, sir, we didn't.

Q How far down did you go?

A Down to the landing, sir, in front of the boat house.

Q Now, when you went down to see the fishermen, you went right down on the beach, on the sand, is that right?

A That's right, sir.

Q Did you walk along on the beach?

A Yes, sir. We walked over to the west pier of Huntington.

Q That would be east of the Sheppard property, would it not?

A That's right, sir.

Q And about what is the distance from the Sheppard property to the pier?

A Oh, --

Q Approximately.

A Oh, approximately 300 -- maybe 300 yards, something like that. Maybe a hundred yards.

Q Yards?

A Yes, sir.

Q Now, as you walked down the beach did you see any footprints on the beach?

A No, sir, I didn't.

Q And what was the condition of the lake at that time as to whether or not it was rough or --

A The lake was choppy, sir.

Q It was choppy?

A That's right.

Q How far did the waves come up on the beach?

A I'd say there was about three, four feet of beach that morning, sir.

Q And you walked all the way to the pier?

A That's right, sir.

Q And you had some conversation with the -- by the way, how many people were on the pier?

A There were three people, sir: Two men and a young boy.

Q You had some conversation with them, did you?

A Yes, sir, I did.

Q And what was that conversation?

MR. GARMONE: Objection.

THE COURT: Objection will be sustained.

MR. MAHON: Well, of course, they have gone into that conversation with other witnesses, if your Honor please.

THE COURT: Are these the same people?

MR. MAHON: That's right.

THE COURT: Well, if that is so, then, of course, it is admissible. All right. Let him answer.

A Well, we went out on the pier, we saw --

MR. GARMONE: There is no evidence before this Court that the people that he is going to talk about that he had conversation with are the same people that Mayor Houk and John Eaton had talked to.

MR. MAHON: I think it will develop and be shown that they are the same people.

MR. GARMONE: Let's develop that before we get the conversation.

MR. MAHON: We can't do that without



having the conversation.

THE COURT: Let him answer.

MR. GARMONE: Exception.

A Well, sir, we went out on the pier and we saw these two fishermen and a boy. We asked them how long they had been there. They said approximately a half hour. We asked them if they had seen anything peculiar that morning, and they said no.

They wanted to know how come. We said no apparent reason. We just wanted to know if they had seen anything peculiar in that neighborhood, and they said they had seen a couple of boys or young men at Huntington that morning, oh, about a half hour before we got there, maybe between -- pretty close to 6 o'clock. Outside of that they saw nothing that was unusual.

Q And did they say where they had seen these young men?

A Well, they said they were back, as I recall, they were back into Huntington itself west of -- east of them towards the main pier.

Q East of the pier that they were on?

A That they were on, sir, yes, sir. Near the main pier of Huntington.

Q And the main pier is east of that pier that you were talking about that these men were on?

A That's right, sir.

Q And then where did you go after talking to those men?

A After talking to those men, we went back along the beach to the Sheppard residence, at which time we gave the names and addresses of these men to Sergeant Hubach, and we left the scene, sir, and went back to the fire station.

Q And as you walked back towards the Sheppard property from this pier where these men were on, did you observe any footprints other than the footprints that you and your companion had made?

A No, sir.

Q Did you see the footprints of the woman on the beach --

A No, sir.

Q -- bare feet? You did not?

A No, sir.

MR. MAHON:

You may inquire.

CROSS EXAMINATION OF RICHARD SOMMER

By Mr. Corrigan:

Q Mr. Sommer, where is the fire station located?

A At Cahoon and Lake Road, sir.

Q Now, the police department is located right there near the shopping center. What is that road there?

A Pardon, sir?

Q The police station, the police headquarters are in a different building than the fire headquarters, is that

correct?

A Yes, sir. They are in the basement of the City Hall.

Q That is where the police headquarters are?

A That's right, sir.

Q Where is the fire station in relation to that building?

A The fire station is one block west and approximately one block north.

Q And you were in the fire station that morning when you got the call to go to the Sheppard house?

A Yes, sir. I was there when the call came in.

Q I believe that was given to you by Mr. Drenkhan?

A That's right, sir.

Q Now, when you arrived at the Sheppard house with Mr. Callahan, what automobiles were in the driveway?

A Sir, the only automobile I recall in the driveway at that time I believe was a station wagon.

Q Did you know before you arrived there what had happened?

A No, sir. Patrolman Drenkhan said that he thought something was wrong, something had happened to Mrs. Sheppard. I did not know exactly what had happened until I arrived on the scene.

Q Did you know Mrs. Sheppard?

A Pardon, sir.?

Q Did you know Mrs. Sheppard?

A I had met her, sir.

Q Where had you met her?

A I had met her, when I recall, was at a breakfast, a wedding breakfast at a friend of mine's. It was up on Center Ridge in one of the -- Schlueter's, I believe it was, was the name of the place.

Q Well, it doesn't make any difference.

Was her husband with her?

A Yes, sir.

Q And when was that in reference to the 4th of July? How long before?

A Oh, sir, a few weeks.

Q A few weeks. And they were together at the wedding breakfast?

A That's right, sir. They weren't at our wedding breakfast. They were in the same building attending another function.

Q Well, did you know them well enough to talk to them?

A Yes, sir.

Q And did you notice their conduct towards one another?

A Yes, sir. As much as you would --

Q They acted just like an ordinary man and wife?

A Yes, sir.

Q That was your observation?

A Yes, sir.

Q Now, had you ever been down to their house?

A No, sir.

Q Do you have boys?

A No, sir.

Q You do not. Had you ever been around that part of the city and observed boys on Dr. Sheppard's property?

A No, sir, I hadn't.

Q You have not. All right.

Now, then, what kind of a stretcher is this that you carry?

A Well, sir, the one that we used that morning was a roll-away stretcher, sir. It has wheels on it and enables you to roll it in and out of the ambulance.

Q Well, were you told by someone to bring it into the house?

A No, sir. I wasn't told by anybody. That was my own decision, sir.

Q You just did it?

A That's right, sir.

Q You figured that was part of your -- that was your job?

A That's right, sir.

Q And you and Mr. Callahan carried that stretcher into the house?

A That's right, sir.

Q Now, did you go in the back door of the house?

A We went in the door facing Lake Road, sir.

Q Well, we call that the back door here.

A All right.

Q And when you got into the hall did you meet anybody?

A When I got into the hall, sir, no. The people I met were outside of the house.

Q Who was outside of the house?

A The Mayor and his wife, Patrolman Drenkhan and Patrolman Cavanaugh.

Q And did you have any conversation with them?

A Except I asked where the injured person was, and they told me upstairs. I asked how to get there, and I don't remember right now who told me how to get there, but somebody said, "You can't take the stretcher through the kitchen. You will have to go through the living room."

Q So then did you proceed through the living room?

A That's right, sir.

Q You proceeded up the hall and into the living room and around the L?

A That's right, sir.

Q And then up the stairs. Now, then, did you notice there was no carpet on the stairs?

A No, sir. I don't remember.

Q You don't remember that. Now, you two men then carried that stretcher upstairs?

A Yes, sir.

Q And did you go into the room where Marilyn was?

A Yes, sir, we did.

Q Was there anybody in the room?

A At that time, sir, no, there was nobody in the room itself.

Q Was there anybody upstairs?

A I believe, sir, -- I can't recall, but I believe Patrolman Drenkhan was up there at that time.

Q Do you recall him coming in the room with you?

A No, sir, I don't recall.

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Q When you got the stretcher into the room and there was nobody there, what did you do?

A We backed the stretcher out, sir, and moved it down the hall so it wouldn't be in the way.

Q You moved the stretcher into the room, didn't you?

A Yes, sir.

Q Now, then, what did you do with the stretcher when you got it in the room?

A We backed it right out, sir, and moved it down the hall so it wouldn't be in the way.

Q And that was rolling, wasn't it? You rolled it?

A Yes, sir.

Q Now, as you rolled it down the hall, did you notice the door to the next room?

A Yes, sir, I did notice the door to, I believe it was the next room. It was open.

Q Did you go into the next room?

A No, sir.

Q Did Mr. Callahan go into the next room?

A No, sir, he didn't.

Q Could you see into the next room?

A Yes, sir.

Q And what did you see in regard to whether or not there was a human being in that next room?

A Yes, sir. I believe that Chip was in the next room.



Q Was he asleep?

A Yes, sir.

Q Yes.

A As far as I know.

Q Well, he was laying in bed like a child, you could tell that?

A Yes, sir.

Q Now, then, when you rolled it out into the hall and made that observation, how long did you remain upstairs in the hall or in the room?

A Oh, sir, a matter of minutes.

Q After you rolled it in the hall, did you go back into Marilyn's bedroom?

A No, sir, I don't believe we did.

Q But you remained up there, had some conversation with Mr. Drenkhan, didn't you?

A Yes, sir, I believe we stopped there for a minute.

Q And then you went downstairs?

A That's right, sir.

Q In the course of going downstairs, did you make any observation as to the stairs?

A No, sir.

Q As to whether there was any wet places on the stairs?

A No, sir.

Q Did you at any time during that day see water on the

stairway?

A Not that I can recall, sir. There probably was, but I didn't see it.

Q You didn't see it. Well, I heard you testify before the Coroner out in Bay Village, and my recollection is that you saw some water on the stairway.

MR. PARRINO: I object to  
this form of statement, your Honor.

MR. CORRIGAN: All right. I  
will withdraw it. I was just trying to  
refresh the witness' recollection.

Q Now, you say you saw no water on the stairway?

A No, sir; I can remember seeing water on the porch, but I can't remember --

Q Now, after you came downstairs, where did you go?

A Well, sir, we went downstairs --

Q Did you remain in the house?

A Pardon?

Q Did you remain in the house after you came downstairs?

A Oh, for a couple of minutes, sir, and then we went out the front porch.

Q And did you notice any other people there at that time?

A No, sir. I couldn't say who I -- I didn't notice anybody there at that time.

Q Were you acquainted with the neighbors, Mr. Sommer, around

that particular part of the --

A No, sir, I wasn't.

Q You were not? You don't live down there in that particular part of the village?

A No, sir.

Q Now, after you had gone down on the beach, you came back up into the house?

A After we had gone down to the beach, sir, yes, I believe we came through the house, sir.

Q Did you see Dr. Richard Sheppard there that morning?

A Yes, sir, I did.

Q Did you see him when he arrived?

A I believe it was just about the time he arrived, sir.

Q Did you see him when he went upstairs?

A Yes, sir, I did.

Q And did you go upstairs with him?

A Yes, sir, I did.

Q So that was the second time you went upstairs?

A Yes, sir, I believe it was about the second time.

Q Was that before you went to the beach?

A Yes, sir.

Q And when you went upstairs with Dr. Richard, who else went up with him?

A ✓ Patrolman Drenkhan, sir.

Q ✓ Mr. Callahan?

A I believe -- I couldn't say, sir, because he would have been behind me, and I don't remember seeing anybody else.

Q Well, at least there was Dr. Richard and you and Mr. Drenkhan that went upstairs on that occasion?

A Yes, sir.

Q And the little boy was still asleep, as far as you were concerned, there was no stir in his room?

A I didn't hear any, sir.

Q The three of you went into the room of Marilyn Sheppard?

A Went to the room, sir. I don't recall now whether I stepped inside it or not.

Q And you saw Dr. Sheppard go in the room?

A Yes, sir.

Q You saw him examine the body of Marilyn Sheppard?

A Yes, sir.

Q And you heard him pronounce her dead?

A Yes, sir.

Q Now, then, the three of you talked there, did you not, had some conversation? I don't care to know what it was, but you did --

A No, sir, I don't believe I said anything there.

Q What?

A I don't believe I said anything there.

Q Well, the other two men did?

A They might have, sir.

Q Yes. And after that, how long did you remain upstairs on that occasion?

A We came right downstairs then, sir.

Q And was it after you came downstairs on the second occasion that you went down to see the fishermen?

A Yes, sir.

Q Now, then, after you had that conversation with the fishermen, you came back in the house?

A I believe we went through the house, sir.

Q Now, your stretcher was still upstairs, wasn't it?

A Yes, sir.

Q So you went upstairs the third time?

A Yes, sir.

Q And who went up with you on that occasion?

A Callahan, sir.

Q And did you go into Marilyn Sheppard's room?

A No, sir.

Q But you did take your stretcher down from the upstairs?

A Yes.

Q Did you roll it?

A No, sir. We lifted it. We had to to get it down the stairs.

Q I see. Now, then, you, of course, on two different occasions saw Mrs. Sheppard's body, didn't you?

A Yes, sir.

Q Now, I asked you the question whether you noticed any water. I will ask you if when you testified before the Coroner -- I am reading from Page 430 -- that you answered this way:

"Heard Dr. Sheppard pronounce this woman dead, went back downstairs. At that time we noticed the water on the stairway going out of the door leading to the beach."

Did you so answer?

A Yes, sir.

Q Now, does that refresh your recollection?

A Yes, sir.

MR. DANACEAU: We object to that. That is exactly what the witness testified to.

MR. MAHON: That is what he testified to, going out the door.

Q ✓ Where was the water that you saw?

A ✓ On the porch, sir, on the stairway leading out of the house.

Q What?

A On the porch, sir, on the stairway leading out of the house.

Q Well, as I understand it, -- I don't get that "stairway."

A On the porch steps, sir.

Q What?

A On the porch steps going out of the house.

Q Well, there is just one step there. Do you remember that?

A No, sir, I don't recall how many steps.

Q But you do recall that you saw the water on the step or steps?

A That's right, sir.

Q Of the back porch going out of the house?

A That's right, sir.

MR. MAHON: Front porch.

MR. CORRIGAN: Front porch, yes.

Q Now, when you looked at the body of Marilyn Sheppard, did you notice that her mouth was partially open?

A No, sir.

Q Well, just a moment. Mr. Sommer, will you look at this picture, which is marked State's Exhibit No. 9, and is that a fair representation of what you saw in that room on that morning?

A Yes, sir.

Q Will you look at the picture of the mouth as depicted there. Was it in that shape when you saw it?

A Sir, I couldn't say positively yes or no. I didn't examine the body that closely.

Q You didn't pay that much attention to it?

A No.

Q I see. All right. Did you see on that morning -- was your attention called to a cigarette butt?

A No, sir.

Q Was it ever called to a cigarette butt?

A No, sir.

Q Did you see on that morning a handkerchief and a pair of glasses?

A No, sir.

MR. CORRIGAN:

Thank you, Mr. Sommer.

That is all.

MR. MAHON:

That is all, sir.

(Witness excused.)

(10:00 o'clock, a.m.)

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Thereupon, the State, further to maintain the issues on its part to be maintained, called as a witness CYRIL M. LIPAJ, who, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION OF CYRIL M. LIPAJ

By Mr. Parrino:

Q Will you state your name, please, sir?

A Cyril M. Lipaj.

Q Where do you live?

A 27895 Lincoln Road, Bay Village.

Q What is your occupation, please?

A That depends on the time of the year. Throughout the school year, nine months I am a school teacher. In the summertime I am a full-time policeman.

Q Where do you teach school?

A Bay Village High School.

Q And what subject do you teach there?

A Mechanical drawing and assistant football coach.

Q You say you are the assistant football coach at Bay Village, is that right?

A Yes.

Q I guess we all ought to congratulate you for a highly successful season.

A Thank you.

Q Now, during the summer months you are employed as a police officer in Bay Village, is that correct?

A Yes, sir.

Q And during the summer months, is that a full-time job?

A Yes. We take over as the other men go on vacation.

Q Now, calling your attention to July 4th, you recall the events of that day, of course?

A Yes. I was assigned to the Sheppard house after five o'clock that evening.

Q And what were you doing there at the Sheppard home that night?

A Well, we were just supposed to keep people away from the house and take care of the house in general.

Q Now, how long did you remain there after five o'clock, p.m.?

A Up to about three o'clock in the morning or four o'clock, and then I was relieved.

Q And by whom were you relieved, if you recall? By another Bay Village police officer?

A No. He wasn't an officer, he was assigned by the -- I guess he was Civilian Defense or something. He works with the village. He is a deputy.

Q Now, during the course of -- withdraw that.

Directing your attention to the back door or the door on the south side of the Sheppard home, do you recall which one I am talking about, sir?

A Yes.

Q Would you describe that door, please, as to how it is locked?

A The only lock we had on it that day was a night latch.

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Q And where is that night latch located on that door?

A Oh, about a yard off the floor.

Q I see. Now, during the course of that night did something unusual occur insofar as that night latch is concerned?

A Yes. The night latch was broken off by one of the Bay Village officers.

Q Now, describe what happened.

A Well, I was -- when Chief Eaton told me to take over the house, he told me to guard the beach, also. The only possible way of locking the front door was with the night latch.

Q Now, who put the night latch in place?

A I did.

Q And what time did you do that?

A Right after -- I'd say about 5:30.

Q And what was the condition and appearance of that night latch when you put it in place at that time?

A Well, nothing was wrong with it. It was in order.

Q Then what happened later that night?

A Between the hour, I'd say, of 7 and 8, I was sitting in the front room, and Sergeant Hubach came back and tried to get into the house, and, of course, the night latch was on, and I don't know whether he thought something was wrong with me on the inside or what, but he tried

knocking down the door, and the night latch -- the screws and all were loosened on the door, and I yelled to Sergeant Hubach and I told him I'd take the latch off.

2 So when I got to the door, I noticed that the screws were at least halfway out and three-quarters of the way out , and some of them had dropped already, and when he came in we put the night latch back on, and that was at 8 o'clock, I would say.

And sometime between 8 and 10 there were three other officers that came into the house, and one of them, in pushing the door open -- I mean, the latch came off so easily that I don't think he even knew he knocked the latch off.

Q And were you in the home from the time that Hubach put his shoulder to the door until the night latch came completely off?

A Yes. Sergeant Hubach was in the house at the same time.

Q You were in the home all that time?

A Yes.

Q Now, will you describe that night latch, please, as to its appearance?

A Well, it is a typical latch with about, I think it has a half-inch chain on it, and the one part is, of course, on the wall, and the other part is on the door, and the part that is on the wall is the part that was torn off the

wall. I guess it was held on by about a half-inch screw -- by three or four half-inch screws.

Q Now, from time to time did you have other duties to perform there as a police officer around that home?

A Yes. I was in charge of a group of city employees to -- well, police the area looking for different things around the grounds.

Q And when did your work begin in that respect?

A ✓ Well, we started actually July the 5th, early morning July the 5th, and continued on for almost 10 days to two weeks after that.

Q And what did your work consist of?

A Well, --

Q ✓ Describe the search that was made, and so forth.

A Well, I had four or five of the village employees, and we went up and down the beach and down the hills and into the water just searching everything about, oh, I would say 5,000 yards either side of the Sheppard residence.

Q ✓ Showing you what has been marked for identification as Defendant's Exhibit DD, will you look at that object, please, and tell us if you recognize that?

A ✓ Yes. That is a T-shirt that was found by one of the city employees off of Schuele's beach.

Q And when was this T-shirt found -- withdraw that.

Where were you at the time this T-shirt was found?

A About 10 feet away from Jack Furr, one of the employees who found the shirt.

Q And where was this T-shirt at the time it was found?

A It was in the water stuck in a piece of reinforced wire for the concrete pier, and when Jack found the shirt, he called me over, and I had to go into the water. It was in about a yard of water, about six inches off the ground, this piece of wire that was sticking out. It was stuck on that, and I had to go into the water to get this shirt out.

Q Just where is this pier located, that you describe?

A Well, the Schuele residence is the first one to the west of the Sheppard residence and, well, the beaches are located together, and actually the pier is the boundary line between the Schueles and the Sheppards.

Q Now, do you see a tag on this T-shirt, sir?

A Yes.

Q Will you read that, please?

A "Jockey T-Shirt, Coopers, large 42 and 44 regular."

Q Now, what did you do with this after it was found?

A I gave it to Patrolman Smith, and he brought it in to town to give it to Mr. Gerber.

MR. PARRINO:

Mark this State's

Exhibit 52.

(State's Exhibit 52 was marked for identification.)

MR. PARRINO: At this time I want to offer what has been marked for identification as State's Exhibit No. 52, the T-shirt.

THE COURT: Wasn't it marked before?

MR. PARRINO: It was marked before. I don't believe it has been offered, your Honor.

THE COURT: Can't we use the same marking?

MR. PARRINO: It has not been offered.

MR. MAHON: It has been identified, but was never offered.

THE COURT: Wasn't it marked by number?

MR. MAHON: It was marked by letter. The defense had it marked. It has not been offered. Now we are marking it as State's Exhibit.

THE COURT: All right, it will be received.

(State's Exhibit 52 was offered and received in evidence.)



Q Now, this T-shirt that I have just been showing you, Officer, was marked for identification as Defense Exhibit DD, and is now marked for identification as State's Exhibit No. 52. This is the same shirt that we are talking about, is it, sir?

A Yes.

Q Now, do you recall the date on which that shirt was found?

A About 11 o'clock in the morning, July the 14th.

Q Now, did you have any other duties to perform insofar as this case is concerned, Officer?

A Yes. I worked with the man from Columbus with the mine detector, and also with the divers, and also took a turn at the hospital.

Q When you say you took a turn at the hospital, what do you mean?

A Well, we would work at 8-hour shifts at the hospital. Someone was at the door of the room at all times.

Q At what door?

A At Dr. Sam's door.

Q And when did you first begin doing that?

A I believe that was July the 5th.

Q And what was your specific assignment, instructions in that regard?

MR. CORRIGAN:

I object.

THE COURT:

He may state what his

specific duties were.

Q What were your duties, sir?

A Well, we really didn't have any specific duties. We were mainly supposed to keep the newspaper men out of the room, and to use common sense as far as who else went into the room.

Q Now, did you prevent any of the Sheppards from going into that room?

A No.

Q Did you prevent any of the nurses from going into that room?

A No.

Q Did you prevent any doctors in the employ of the Sheppards from going into that room?

A No.

Q Did you prevent any of the defendant's lawyers from going into that room?

A Just one, but at the time I didn't know he was with the law firm.

Q And who is that, please?

A Young Corrigan.

Q And you say that you didn't know who he was at the time?

A That's right.

Q As to Mr. Corrigan, Sr., did you prevent him at any time from going into that room?

A No.

Q As to Mr. Garmone, did you prevent -- was he on the scene at the time?

A I don't believe he was.

Q As to Mr. Petersilge?

A No.

Q Now, did you see Dr. Richard and Dr. Steve going into that room at any time, sir?

A Yes, quite often.

Q Now, who would bring the meals into Dr. Sam during the time that you were there?

A Well, there wasn't any specific person. Sometimes -- oh, they have student nurses, I guess. They would take the meals in, and other times Dr. Steve or Dr. Richard would take them in or the regular nurses. There wasn't anyone specific that would take it in.

Q And did your duties relate to the fact that Dr. Sam Sheppard could not leave that room?

A No. No one said anything about that. He stayed in the room at all times ~~that~~ I was there.

Q Now, calling your attention to the 7th of July, did something unusual occur on that day while you were on guard?

A Yes. He had a couple of visitors, outside of the regular family.

Q And who were they, please?

- A Otto Graham and the Mayor.
- Q Did you see Hoversten there on the scene at any time?
- A Yes, but I believe he was there the day before.
- Q Did he go into the room?
- A Yes.
- Q Now, on the 7th, did you see Dr. Steve at any time?
- A I believe -- I'm not sure on this -- but I think -- it was either Dr. Steve or Dr. Richard who took the Mayor and Otto into the room.
- Q Now, was anything else taken into that room at any time there on the 7th that you recall?
- A I believe that was the day they brought the record player in.
- Q And who brought the record player into Sam's room?
- A Dr. Steve.
- Q And what was done, if anything, at that time?
- A Well, after that we had some classical music. It seemed to be played at all times.
- Q And where was this music played?
- A In Dr. Sam's room.
- Q Now, for how many days did you continue in your work as a guard there at that door?
- A As long as Dr. Sam was in the hospital.
- Q And when you were not on duty, were there other police officers on duty also?
- A Yes. We took an 8-hour shift.

MR. PARRINO:

You may inquire.

CROSS EXAMINATION OF CYRIL LIPAJ

By Mr. Garmone:

Q Mr. Lipaj, you are the backfield coach, are you, of the high school team?

A No. The defensive coach and end coach.

Q And how long have you been connected with the school system out at Bay Village?

A I am starting my fifth year now.

Q During that period did you become acquainted with Dr. Sam Sheppard and Marilyn Sheppard?

A Yes, I did.

Q And when would you say that that acquaintance began?

A The first year we were there.

Q That would be five years ago?

A Five years ago.

Q And how many times were you in the company of Sam and Marilyn, to the best of your recollection?

A You mean during the course of the five years?

Q Five years.

A A matter of a dozen times, or so.

Q Did you attend any social functions with them?

A Yes. Our high school football bankquets.

Q At all times that you were in the company of Sam and Marilyn, you never saw Sam mistreat Marilyn, did you?

A No, sir.

Q You never saw him lose his temper toward Marilyn, did you?

A No.

Q Were you ever in Sam's company when Chip was about?

A Yes.

Q About how often?

A About three or four times.

Q And in those three or four times, Sam was always -- he never mistreated Chip, did he?

A No.

Q From your observations over that five-year period in the number of times that you saw him at different affairs, he always displayed an even temper, didn't he, Mr. Lipaj?

A Yes, sir.

Q Now, your duties began at the hospital about what day?

A I believe it was July the 5th.

Q That was the day after?

A Yes.

Q Were you assigned outside or were you in the room?

A Outside the door.

Q Outside of the room. Now, you testified here in response to Mr. Parrino's questions about the many visits in and out of the room that Dr. Steve and Dr. Richard made, is that

right?

A Yes, sir.

Q And Otto Graham and Mayor Houk?

A Yes, sir.

Q And Dr. Hoversten?

A Yes, sir.

Q How many times while you were on duty did Schottke and Gareau of the Cleveland Police Department go in and out of that room?

A I believe once, and that was only after they threatened with a subpoena.

Q Schottke and Gareau?

A No. I don't believe I have -- no, I was thinking of Rossbach and Yettra.

Q You were thinking of Rossbach and Yettra. Did you talk to anybody about your testimony before you came into this courtroom this morning?

A I don't know how you mean that.

Q Well, did you go over with either Mr. Mahon, Mr. Danaceau or Mr. Parrino about what you were to testify to before you came into court this morning?

A I talked to them, but not about what I was supposed to testify.

Q Well, when I just asked you the question how many times

Schottke and Gareau had been in and out of that room, why did you confuse your answer and respond about Rossbach?

MR. PARRINO: Objection.

THE COURT: Yes. Objection will be sustained.

Q Now, this door latch that you talked about at the home, that was intact, was it, when you first went on duty?

A Yes, sir.

Q While you were inside of the home and carrying on this obligation for the community, did you always remain on the first floor of those premises?

A No, sir.

Q Did you walk upstairs?

A Yes, sir.

Q Downstairs?

A No, sir.

Q Well, did you walk around the living room portion of the downstairs premises?

A All the rooms downstairs.

Q As a matter of fact, you walked in and out of the den many times, didn't you?

A A few times.

Q Well, now, will you tell this Court and jury what were some of the articles that you came in contact with or



touched during your tour of that home, both upstairs and the living room and den portions of the downstairs?

A The only two things I touched was a magazine and a television.

Q You touched them both?

A Yes, sir.

Q Did you see some papers strewn around the floor in the living room?

A Yes, sir.

Q Did you touch those?

A No.

Q Did you touch anything in the den?

A No.

Q Now, to get into the den did you have to walk beyond the medicine bag that was somewhere close by the entrance of the den?

A Yes.

Q Did you ever come in contact with it?

A No.

Q You are sure of that?

A Yes, sir.

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- Q Now, the first time that you saw Rossbach was on what day?
- A July 5th.
- Q And where was it?
- A I believe that was at the Sheppard home.
- Q And then did you later see him at another place?
- A At the hospital.
- Q And what day was that?
- A I believe that was also on July 5th.
- Q Did he go into Sam's room?
- A No.
- Q Did he at any time on that day go into Sam's room, to your knowledge?
- A Not while I was on duty.
- Q Not while you were on duty. Did you go back on duty on the 6th?
- A Yes, sir.
- Q Did you see Rossbach go into the room on the 6th?
- A No, sir.
- Q Were you on duty on the 7th?
- A Yes, sir.
- Q Did you see Rossbach go into that room on the 7th?
- A I don't believe so.
- Q What were the hours that you guarded that door on the 5th, 6th and 7th, to the best of your recollection?
- A I believe it was between four and midnight.

Q Four and midnight. Between those hours you didn't see Rossbach go into that room, is that right?

A No, sir.

Q Now, while you have been actively engaged as coach of the Bay High School team, whenever there was a player injured, that player was turned over to Dr. Sam to be treated, wasn't he?

A Yes, sir.

Q And you never found him failing when he was called upon to administer aid to any injured football player, did you?

A No, sir.

Q Regardless of the time of day, is that right?

A That's correct.

Q He was always available to you, was he not?

A Yes, sir.

Q And that was a service that he rendered without any charge, wasn't it, Mr. Lipaj?

A As far as I know.

Q Now, you say that on the 7th of July there was some kind of a rig put together that you described as a mine detector?

A Well, it was later than that. Oh, I would say it was closer to the 20th of July than the 7th.

Q And were you present when this rig was operated, put into use?

A Not all the time. I was one of the officers assigned to it.

Q Well, during the times that you were there, did it bring anything up?

A Oh, little pieces of pipe and nails.

Q Anything else?

A No, sir.

Q When you say "little pieces of pipe" will you give me a general idea of what size the pipes or pipe may have been? You are talking about a pipe made of iron, are you?

A Yes.

Q And about how big were these pipes?

A They varied in size. Some were very small and then others were used for, oh, I guess pier blocks.

Q Well, about what were the size of them?

A I would say we found about four, and they varied in size from probably about six inches -- I think there was one about six inches and the others were 14 inches, and then we also found one larger, about 18 inches -- no, about 20 inches.

Q Did you turn those pipes over to anybody?

A Yes. I turned them over to Patrolman Drenkhan.

Q When were they turned over to Drenkhan?

A I believe that was on that afternoon.

Q That would be about the 14th of July, you say?

A No. It was a little later than that. It was on a Sunday.

Q Around the 20th of July?

A Around the 20th, whatever day was a Sunday.

Q Have you since the time this detector brought this metal up seen any of the pipes?

A No, sir.

Q Now, the T-shirt that was handed you this morning is marked as State's Exhibit 52 --

MR. CORRIGAN: That is also a  
Defendant's Exhibit.

Q -- and also identified as Defendant's Exhibit DD. You were present when this was found?

A Yes, sir.

Q Now, the Schuele home is located west of the Sheppard home, is that right?

A That's correct.

Q That is the home right next door to the home that was occupied by Marilyn and Sam, isn't it?

A That's correct.

Q Now, how far from the retaining wall would you say that this exhibit was found?

A Oh, about 20 feet off the beach.

Q 20 feet off the beach, north of the retaining wall?

A Yes.

Q And about how far in the water was it necessary for the person that went in to get it to travel, about how many feet?

- A Between two and a half and three feet.
- Q After the T-shirt was found, what, if anything, did you do with it?
- A Well, I went into the water and took it out and held it up to examine it, and then gave it to Patrolman Smith, and he brought it down to Dr. Gerber.
- Q Took it down to Dr. Gerber?
- A Yes, sir.
- Q Do you know, Mr. Lipaj, whether this shirt was ever shown Dr. Sam Sheppard?
- A No, sir.
- Q What date was the T-shirt found?
- A July 14th.
- Q July 14th. After you turned the shirt over to Dr. Gerber, did he ever take you to where Sam could be interviewed to confront him with the T-shirt that you found in the lake?
- A No, sir.
- Q Have you seen this T-shirt from the day that you found it until today?
- A No, sir.
- Q And you don't know what was done with it, do you?
- A No, sir.
- Q After you turned it over to Dr. Gerber, that is?
- A No, sir.

MR. CORRIGAN:

Well, he turned

it over to Smith, he said, not Dr. Gerber.

MR. GARMONE: Smith, who

turned it over to Dr. Gerber.

Q Was there any other property found during the period of search?

A No, sir.

Q Nothing at all?

A Not as far as property.

Q Well, was there any other objects found?

A Oh, there was a large piece of circular tubing or pipe.

Q Where was that found, Lipaj?

A Also on the Schuele residence.

Q What was done with it, if anything?

A That was turned in to Patrolman Drenkhan.

Q Do you know whether or not, as far as you know, anything was ever done with that tubing?

A I believe they brought it down here into Cleveland somewhere.

Q And you haven't seen it since?

A No, sir.

Q Have you ever been interviewed by any members of the Cleveland Police Department as to where the tubing was found?

A I had a note, the same as I do on the shirt, as to where it was found, but I was never interviewed about it.

Q Were you ever talked to about it?

A Just by I guess Gareau and Schottke.

Q Where was that?

A At the Sheppard residence.

Q At the Sheppard residence. Inside the home?

A Well, inside and outside the home.

Q Now, was there any other articles found -- I will withdraw that.

Were you present when a handkerchief was found?

A No, sir.

Q Were you present when a pair of glasses were found?

A No, sir.

Q Well, were there any other articles found while the search that you participated in went on?

A No.

Q Nothing at all. Was there any wearing apparel found other than Exhibit 52?

A No, sir.

MR. GARMONE: I believe that  
is all.

MR. PARRINO: That is all. No  
further questions.

(Witness excused.)

THE COURT: Ladies and gentlemen  
of the jury, we will have a few minutes' recess at  
this point. Please do not discuss this case.

(Recess taken at 10:35 o'clock, a.m.)



Thereupon the State of Ohio, further to maintain the issues on its part to be maintained, called as a witness ELNORA HELMS, who, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Danaceau:

Q Will you please give your name?

A Elnora Helms.

Q And you are married?

A Yes, I am.

Q What is your husband's name?

THE COURT: Could you give me  
the name again?

THE WITNESS: Elnora Helms.

Q Is there an "s" at the end of the name?

A Yes.

Q And I believe I asked you what your husband's name is?

A Will F. Helms.

Q Where do you live?

A 12211 Brookfield Avenue.

Q And you work at housework, do you not?

A Yes.

Q You do housework?

A Yes.

Q And you were employed by a Mr. and Mrs. Sam Sheppard?

A Yes.

Q At Bay View?

A Yes.

Q Or Bay Village? Excuse me.

A Yes.

Q When did you first start to work for Dr. and Mrs. Sheppard?

A You mean Dr. and Mrs. Sam Sheppard?

Q Yes.

A February, 1952.

Q Had you worked for any of the other Sheppards?

A Yes.

Q And for whom did you work?

A Dr. Richard and his wife, Sheppard.

Q That is Senior or the --

A No.

Q The brother of Dr. Sam?

A Yes.

Q And how often did you work?

A One day a week.

Q And how would you get out to the home, the Sheppard home?

A Greyhound Bus Line.

Q And at what time would you get there?

A About 8:15.

Q And was there any particular day of the week that you were to be there?

A Mostly Wednesday.

Q Once in a while Mrs. Sheppard would give you some other day and you would come down that day?

A Well, if I missed Wednesday, as a rule, she asked me to come in on a Saturday.

Q Now, do you recall a fire that occurred at the home?

A Yes, I do.

Q Was that about a year or so ago?

A Yes.

Q And after the fire, do you recall young Chip going to school?

A Yes, I do.

Q Now, when you would get there in the morning during the last year, let's take it, would the family be up when you would get there?

A Mrs. Sam and Chip would be up.

Q And was that true on all occasions?

A No. Once she was ill.

Q One day she was ill?

A Yes.

Q And can you tell us about when that was?

A April 28th, 19 -- of this year -- '54.

Q And what happened when you got there?

A Well, I went to the Lake front -- I mean the street door and knocked and banged and tried the knob, and the door was locked, I couldn't get in, so I went around to the den door and knocked and banged and no answer, so I went around to the French doors on the other side of the house, and that is when Dr. Sam heard me.

Q Then he came down from bed?

A Yes.

Q How was he dressed at the time?

A He had on trousers, and I don't think he had anything on from the waist up.

Q And he opened the door and let you in?

A Yes.

Q Mrs. Helms, do you recall one occasion last spring when there was some difficulty with the dog Koko?

A You mean as far as the --

Q Being in heat?

A Yes.

Q And leaving blood around?

A Yes.

Q Will you describe to the Judge and jury just what that was?

A Well, she became in heat, and, of course, she had the free run of the house, and she went and got in Mrs. Sam's bed and ruined the bed, in fact, both beds, the double bed and one of her twin bedspreads, and she had to soak them and

wash them out, and she had blood all over the stairway, all over the kitchen, all over the hall, everywhere, because she had the free run of the house. Also the garage, because we had to tie her out there between the house and the garage, and she used to come in the basement to see me when I'd be downstairs ironing.

Q So she caused a mess down there, too?

A Well, she was in heat, so it was -- everywhere she went during that time.

Q And can you place the time more specifically than we have had it thus far?

A Well, I will do the best I can. I can't exactly remember the date and the time.

Q Yes, I know.

A ✓ But it was during the time after she came back from California, I'd say around in April or the last part of April or somewhere around in that vicinity.

Q And after that had happened, did you have a job washing and cleaning?

A Well, I always washed the floor after I got through ironing, and I'd have to clean it up.

Q And what is the fact as to whether or not you cleaned it up, including the stairway?

A ✓ I washed the stairway down, the kitchen and the floor where it was noticeable, but not the rugs.

Q With the exception of the rugs, you washed it all up, is that correct?

A When I was there, yes.

Q And that was around April of this year?

A I'd say April or somewhere in that vicinity. I couldn't say definitely, but to my knowledge, it was around in April, somewhere in there.

Q Now, Mrs. Helms, after this tragedy that occurred -- by the way, before I get to that -- did you work on the Wednesday prior to July the 4th?

A No, I did not.

Q Did you call Mrs. Sheppard?

A Yes, I did.

Q And what occurred that prevented you from working?

A The Wednesday I was supposed to work, I called her Tuesday evening and explained to her I had to be a witness downtown, and I would try to be there another day if it was satisfactory with her. She asked me would I come in Saturday because she was having company for the 4th.

Q That would be Saturday, July the 3rd?

A Yes.

Q Did you get there Saturday, July the 3rd?

A No, I didn't.

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Q Did you call her?

A I did.

Q When?

A On Saturday morning around ten after ten, ten after or fifteen after ten. It was after ten.

Q And did you talk to her?

A Yes, I did.

Q And you gave her an explanation?

A I did.

Q You did not work that day?

A I didn't.

Q Now, coming to sometime after this tragedy that occurred in the home with respect to Marilyn Sheppard, did you go through the bedroom and examine all the objects to see if anything was missing?

A I did.

Q And who was with you at that time?

A Mr. Rossbach and Mr. Yetty.

Q Yettra?

A Yettra, and a Bay Village policeman was there.

Q Do you recall his name?

A I don't know his name.

Q And when was this, to your best recollection?

A I'd say approximately a week or two after the accident, somewhere in that vicinity.

Q And you went through all the drawers?

A No, I did not.

Q What did you do?

A I just went in the room and looked -- they asked me to look for the furnishings or pictures or anything of that nature. I wouldn't know what was in her drawers, anyway.

Q I see. You never went in her drawers?

A I never went in her drawers.

Q Well, you looked around there. You had been in that bedroom many times before, had you not?

A Yes, I did.

Q Did you notice anything at all missing, as far as the objects that you looked at?

A There was nothing missing.

MR. DANACEAU:

You may inquire.

Just a moment.

By Mr. Danaceau:

Q Do you recall this trip that was made to California in the spring of this year by Dr. Sam Sheppard and Marilyn Sheppard?

A I do.

Q Now, before they made that trip, what bedroom did they occupy?

A The double bed.

Q In what room was that?



- A That was next to the garage. Oh, it had a little dressing room. Dr. Sam's dressing room was first, and then the bedroom was on the other side facing the street.
- Q And what was the room with the twin beds used for at that time?
- A To my knowledge, it was used for guests.
- Q When did Dr. Sam Sheppard and Marilyn Sheppard first begin to occupy the bedroom in which the twin beds were?
- A Oh, approximately a week or two after they came back.
- Q From where?
- A From California.

MR. DANACEAU:

You may inquire.

CROSS-EXAMINATION OF ELEANORA HELMS

By Mr. Garmone:

- Q Mrs. Helms, about how long were you in the employ of Marilyn and Sam?
- A Approximately two years and a half.
- Q And your work consisted of one day a week, is that right?
- A Yes.
- Q Now, were there times when you arrived at that home around 6:00 or 6:30 in the morning so that you could get away earlier?
- A It would be that of the bus time but not of our schedule.
- Q Well, would you get there sometimes earlier than 8:00?

A It might have been once or twice, as long as it was daylight.

Q And on those occasions you found the door open, didn't you?

A Yes. She called me or I would call her and she would tell me which door she would leave open.

Q And didn't she on many occasions or on occasions leave the door that faces the road open?

A That was left open once, I think, to my knowledge.

Q And didn't she on occasions leave the door that leads onto the front porch and into the living room open?

A No, that was never open.

Q Never open. Now, about what month was it that the dog was in heat?

A About what month?

Q Yes.

A I would say approximately April, around in April. I couldn't say definitely.

Q And she had free run of the house, didn't she?

A Yes, she did.

Q And didn't Marilyn and you join sometimes along with Chip in washing off the blood spots that she would drop around the house?

A Chip never helped.

Q Did Marilyn help?

A She would take a tissue and wipe it up, and when I would come up to wash I washed it up.

Q You washed it up?

A Yes.

Q Now, you said on direct examination that you would clean up after she had dropped these spots, is that right?

A That's true.

Q You would clean up those points where it was noticeable, is that right?

A That's true.

Q You wouldn't walk around the house looking for any blood, would you?

A No.

Q Now, what was the color of that carpet?

A Sort of a reddish-wine color.

Q And was there an occasion that Marilyn had stated to you, "Well, we won't bother with the rug because the blood blends in with the color of it"?

A Well, she didn't mention the color of it, and we just noticed that it blended in and we never bothered with it.

Q Never bothered with it?

A No.

Q Now, you testified before the Grand Jury, did you not?

A I did.

Q And there wasn't asked anything of you in the Grand Jury about the blood that was dropped by the dog, was there?

MR. DANACEAU:

Just a moment,

please. Objection.

MR. MAHON:

Objection.

THE COURT:

Objection sustained.

Q Now, Sam and Marilyn occupied the east room, the double bedroom, is that right?

A Yes.

Q That was prior to their going to California?

A Yes.

Q And when they returned from California, then they occupied the room that contained the twin beds?

A Yes.

Q Wasn't there said to you by Marilyn and Sam that they were changing rooms because Marilyn was pregnant?

A No. Mrs. Sam said to me that Dr. Sam had an awful bad cold when he came back and that he couldn't get rid of it, and that's the reason why they moved in there.

Q Moved into that room?

A Yes.

Q Now, was that the first time that room was occupied by Marilyn and Sam during your period of employment?

A As far as I know.

Q Now, during the period that room was occupied, Marilyn was visited by Mr. Houk, wasn't she?

A Yes, she was.

Q And that was a short time prior to the 4th day of July,

wasn't it, Mrs. Helms?

A That was the day she was ill in bed.

Q Well, wasn't it during the month of June?

A No. It was April.

Q April?

A Yes.

Q Now, how long had they been at home and occupying that room prior to that visit by Mayor Houk?

A I'd say maybe three weeks. I don't know. Four weeks.

Q And had Mayor Houk been there previous to that occasion that we have designated as being sometime in April?

A You mean to have coffee, or something like that, in the kitchen?

Q Yes. Had he been there?

A Oh, yes, he had been there and had coffee.

Q And on the occasions that Mayor Houk was there, Sam had already left for the hospital, hadn't he, most of the time?

A That, I couldn't say, but I do know he came and had coffeee, whether Dr. Sam was there or whether he wasn't.

Q Now, going back to the day in April that Marilyn was sick, she was upstairs in her bed?

A Yes.

Q Mayor Houk came in, didn't he? He came to the home that morning, didn't he?

A He did.

Q Sam had already left for the hospital, hadn't he?

A That's right.

Q And when Mayor Houk came in he didn't stop and talk with you, did he, Mrs. Helms?

A No, he didn't.

Q He went right upstairs to the bedroom, didn't he?

A Yes, he did. He spoke to Chip and went on upstairs.

Q Well, he didn't make any inquiries as to what room Marilyn was in of you, did he?

A He did not.

Q Now, after he went upstairs to the room, how long would you say he was in that room before you next saw him?

A I would say about a second or a half a second, or something like that.

Q Was there some conversation?

A I heard voices. It sounded like a conversation. It couldn't have been him answering himself, I don't know, but I did hear a low murmur, voice.

Q You heard a low voice?

A Yes, I did.

Q And then did Houk later come down from the room?

A He did.

Q And was there anything said on that occasion by the Mayor to you?

A No. He spoke to Chip.

Q What did he say to Chip?

A He says, "Chip, your mother is sleeping and tell your mother I'll see her later."

Q Now, when Mayor Houk came to the home, he had more or less free run of the home, didn't he?

A That, I couldn't say.

Q Well, were you there on occasions when he would go in and prepare breakfast?

A I never was there when he did that, no.

Q You never was there when he did that?

A No.

Q You were talked to by Officer Rossbach and Yettra, were you not?

A Yes, I was.

Q And during their inquiry of you after the 4th of July, did they ever inquire of you about the blood spots that you have testified before this jury this morning on?

A No. That came up later.

Q Came up later?

A Yes.

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Q Now, during the period of your employment you had the occasion to observe Sam and Marilyn together, did you not, around the house?

A Yes.

Q You never saw Sam mistreat Marilyn, did you, Mrs. Helms?

A No, I did not.

Q You have never seen him lose his temper in the home, have you?

A No.

Q And from your observations of Sam, he always displayed an even temper, isn't that a true statement?

A To my knowledge.

Q During the course of your observations, during the period of your employment, there was an atmosphere of affection between Marilyn and Sam, wasn't there, Mrs. Helms?

A Yes, there was quite a bit of affection. I do know -- see -- I wasn't around Dr. Sam as much as I was Mrs. Sheppard. See, Dr. Sam was always busy, and when I got there a lot of times he'd be sleeping. Next, he'd be on his cases.

Q But you did notice an atmosphere of affection between the two of them?

A Yes.

Q Now, when was it that Rossbach first took you to the home to make an observation of the bedroom?



A I'd say it was a week or two after the accident.

Q Had you had some conversation prior to that day with Rossbach?

A Yes. He came to my home.

Q And took a statement from you?

A No.

Q Didn't take a statement?

A No.

Q Did he ever take a statement from you?

A No, he never took a statement from me.

Q And was it after that conversation, then, that you were taken out to the Sheppard home and asked to look into the bedroom?

A After I was down here.

Q After you were down here?

A Yes.

Q Well, when you came down here, who were you interviewed by?

A Mr. Parrino.

Q Anyone else?

A Not that day, no.

Q Did they inquire from you when you came down here and you were interviewed by Mr. Parrino about the blood spots that you have just finished testifying to this jury about?

A The blood spots came up after it was in the paper.

Q After it was in the paper?

A I discovered it in the paper, and that is the reason why

the blood spots came up.

Q I see, but you never were asked about it, were you, prior to that time?

A No.

Q Now, when you went to the bedroom did you go inside?

A Yes.

Q And you made an observation, is that right, of the things that were in the room?

A The furnishings, yes.

Q And from the best of your recollection, you didn't notice anything missing?

A That is correct.

Q And isn't it a fact, Mrs. Helms, that that was the only room that you were asked to go into to make the observation that you have just described?

A Well, we walked through the house upstairs. We went in Chip's room.

Q What other room?

A The room that they used to sleep in, we went in there. I didn't go all the way into that room, though. I went in as far as the dressing room.

Q Well, then, after you had finished going in as far as the dressing room, were you taken away from the home?

A You mean as far as the outside into the garage?

Q No. Were you taken to the garage?

A Yes.

Q And you made an observation in the garage?

A We were looking for --

Q Well, did you make an observation in the garage?

A I didn't go downstairs. We went upstairs -- what I mean, we just passed through downstairs.

Q Passed through and went upstairs of the garage?

A Yes.

Q And were you asked on that occasion whether there was anything missing, to the best of your recollection?

A No. I wouldn't know what was missing up there.

Q You wouldn't know what was missing?

A No.

Q Mrs. Helms, you were never taken into the den of that home, were you?

A No. I went as far as the door.

Q Just as far as the door. And you were never asked by Rossbach or Yettra to determine whether there was anything missing from the den, were you?

A Not to my knowledge.

Q Not to your knowledge. Now, these blood spots that you have described, Mrs. Helms, that was a frequent happening during the period that the dog was in heat, wasn't it?

A Oh, yes, for quite a while.

Q And the spots were up in Marilyn's room?

A Yes.

Q And that was the room that she occupied after she came back from California, is that right?

A The dog went not only into that one room. The dog went --

Q Well, there was spots in that room, was there not?

A There were spots in every room.

Q And there were spots in the room that has the little dressing room before you go into the bedroom?

A Yes.

Q And on that bed in the east room, were there considerable spots on the bed clothing?

A On the spread.

Q Now, you saw spots on the staircase leading from the upstairs down to the kitchen, did you not?

A Yes.

Q And you saw spots on the staircase that led from the upstairs into the living room, did you not?

A Yes.

Q And I believe you testified that you saw spots in the basement?

A Yes.

Q All over the basement?

3 A Well, as far as I was, I saw spots.

Q As far as you were. And some of those spots were on the stairs that lead down to the basement, weren't they?

A Oh, yes.

Q And wherever you noticed them, you washed them off, is that right?

A I didn't wash the basement, no.

Q You didn't wash the basement?

A No, I did not.

Q Now, Mrs. Helms, will you tell the Court and jury whether you observed any spots out on the porch leading to the front yard?

A Well, I never went out on that porch, only -- I was out on that porch three times the whole time I was there, and I couldn't say about the porch, but I can say about the rest of the house where I was. The dog had the free run of the house, and there was blood spots everywhere the dog went for the time that the dog was in heat.

Q In heat. And that would be all over the house?

A Yes.

Q Did you ever go out in the garage?

A Yes.

Q Did you see any of the spots in the garage?

A During the time that I was in the garage, the dog wasn't in heat then.

Q Now, during the time that you worked for Mrs. Sheppard

and Dr. Sam Sheppard the dog was in heat a number of times, was she not, Mrs. Helms?

A Twice.

Q Twice?

A Yes.

Q And the events that you describe that happened in April of 1954, they also happened on the other occasion when she was in heat, didn't they?

A Yes.

Q Now, there is a cement drive that leads into the garage entrance. To the best of your recollection, on either of the two occasions that the dog was in heat, did you see any blood that led into the garage?

A Well, I can recall the last time, because we had to tie the dog, so, therefore, that is the reason why I noticed it, because Mrs. Sam had to keep the dog tied between the -- on the tree by the garage, or either by the porch there where the flowers were.

Q And there was blood that led -- on the cement that was in the vicinity of the garage, is that right?

A Yes.

Q I have one more question, Mrs. Helms.

Now, were you interviewed by the police department in August of this year?

A I think I was.

Q And did that interview take place at your home, Mrs. Helms?

A Yes.

Q And on that occasion didn't you tell the police department about the blood incident relating to the dog that was in heat?

A I did.

Q Now, while you wiped away all the spots of blood that came within your view around the house, you never bothered about cleaning the rug, is that correct?

A No.

MR. GARMONE: That is all.

Thank you.

REDIRECT EXAMINATION OF ELNORA HELMS

By Mr. Danaceau:

Q Mrs. Helms, did you ever talk to any of these gentlemen who have been questioning you?

A Yes. I talked to Mr. Corrigan and Mr. Jerome.

MR. GARMONE: Garmone.

THE WITNESS: Garmone.

Q And you have told them all about these things that you have testified to today, haven't you?

A Yes.

Q The dog and the spots and everything else?

A I did.

Q And when was this?

A It was after it had been in the paper. I read about the blood stains they had found.

Q And where did this conversation with Mr. Corrigan and Mr. Garmone take place?

A I went down to Mr. Corrigan's office.

Q Who asked you to go down to Mr. Corrigan's office?

A I was telling my employer about it, and she asked would I mind telling Mr. Corrigan about it, because she were interested in finding out who hurt Mrs. Sam.

Q And who is your employer?

A At that time Mrs. Richard Sheppard was.

Q Mrs. Richard Sheppard asked you to go down and see Mr. Corrigan?

A Would I mind.

Q And did you?

A I did.

Q When you first started to work there -- by the way, how long has the dog Koko been there?

A With Doctor -- I mean with Mrs. --

Q With Mrs. Sheppard, yes.

A Ever since I was employed there.

Q It is a female dog, isn't it?

A Yes, it is.

Q ✓ And when you first started working there, what is the fact



as to whether it would bark at you when you came?

A Yes.

Q Did it always bark at you?

A No.

Q Or later on, after you got to know the dog and the dog got to know you, did it stop barking?

A It did, yes.

MR. DANACEAU: That is all.

RECROSS EXAMINATION OF ELNORA HELMS

By Mr. Garmone:

Q The dog was a friendly dog, wasn't she, Mrs. Helms?

A Yes, she was friendly.

Q Now, Mr. Danaceau has asked you a question about whether you had talked to me and Mr. Corrigan. You talked to me on the occasion that we met in Mr. Corrigan's office, is that right?

A Yes.

Q And didn't that meeting come as a result of an article that you had read in the paper?

A Yes.

Q About some blood spots being found all over the home?

A Yes.

Q And after you read that article, you called to Mrs. Richard N. Sheppard's attention the dog being in heat, is that right?

A Yes.

Q And she asked you whether you would go down to Mr. Corrigan's office and relate what you know about the dog being in heat?

A Yes.

Q And about where the dog had left his spots in the home of Marily and Sam, is that correct?

A Yes.

Q And that article, you read about the blood spots having been washed away?

A Yes. Something similar that I can recall. The main thing that I noticed in the article was about them finding blood, and I happened to remember that the dog was in heat at the time, or just before the time, somewhere in that vicinity.

Q Up until that particular day had either Mr. Corrigan or myself ever talked to you about the subject of the blood that was found in and about the home?

A You hadn't talked to me at all.

Q Hadn't seen you, is that right?

A That's correct.

Q And it came about as a result of your conversation with Mrs. Richard N. Sheppard?

A That's right.

Q That was based on an article that you read in the newspaper about the blood in and around the home and having been washed

away?

A

Yes.

MR. GARMONE: Thank you very  
much, Mrs. Helms.

MR. DANACEAU: That is all. Thank you.

THE COURT: Could I have just one  
question?

You have referred to the washing of this  
blood. Do I understand that that was about  
somewhere near the month of April?

THE WITNESS: It was sometime in  
April, or the last of April.

THE COURT: It was always in that  
period of time, had nothing to do with the 4th of  
July or anywhere near it?

THE WITNESS: No --

THE COURT: You say --

MR. GARMONE: Just a minute. We  
object to the form of the question.

THE COURT: Yes. I think I  
shouldn't say --

MR. GARMONE: And I take exception  
to the manner in which the Court --

THE COURT: The Court will withdraw it.

MR. GARMONE: And will the Court

instruct the jury to disregard it?

THE COURT: Please let the  
Court ask the lady a question, Mr. Garmone.

It was not anything that happened near  
the 4th day of July one way or another?

THE WITNESS: No, because I  
hadn't been there.

THE COURT: That is all. Thank  
you.

(Witness excused.)

MR. GARMONE: May I call back  
Mrs. Helms for one question, please, that just  
came to my mind?

THE COURT: Yes, if she is  
available.

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Thereupon, the State, further to maintain the issues on its part to be maintained, called as a witness MICHAEL S. GRABOWSKI, who, being first duly sworn was examined and testified as follows:

DIRECT EXAMINATION OF MICHAEL S. GRABOWSKI

By Mr. Parrino:

Q Will you state your name, please?

A My name is Michael S. Grabowski.

Q Where do you live?

A I live on 3813 East 52nd Street.

Q What is your occupation?

A I am a member of the Cleveland Police Department.

Q How long have you been a police officer?

A About nine years.

Q And what particular assignment do you have at the present time?

A I am assigned to the Scientific Unit at the present time.

Q And what is the Scientific Unit?

A In the Scientific Unit we have three divisions. We have the Photographic Unit, the Laboratory Unit and the Fingerprint Unit.

Q And with what unit do you work, sir?

A I work with the Fingerprint Unit.

Q And how long have you worked with the Fingerprint Unit?

A Six years.

Q What training did you have for work in that unit?

A My preliminary training was to a special FBI school which they conducted in fingerprinting.

Q And when did you go to that school?

A Before I went up to the Bureau.

Q And for how long did you attend that FBI school, sir?

A It was about two and a half weeks.

Q And after that, what did you do?

A After that I started working with the older men for actual experience in the various phases of the work.

Q And did you do any individual study on the subject?

A That's right, I did.

Q And when did you begin that?

A As soon as I went up to the department.

Q And how long has that continued?

A It's still continuing.

Q Now, the nine years that you have had in the Cleveland Police Department, has that been of continuous service?

A That's right -- no, there was an exception. One year, in 1950, I was recalled to the Army.

Q And in 1950, you said?

A 1950.

Q And upon being recalled to the Army, for what period did

you serve?

A For one year.

Q And what branch of the Armed Forces did you belong to?

A I worked with the Criminal Investigation Detachments.

Q And was that during the entire year?

A That's right.

Q And beginning in that work while you were in the Army, what, if any, training did you receive from the United States Armed Forces?

A I was sent to Camp Gordon, to the Provost Marshal General School, and there I took a 12-week course in criminal investigation.

Q And did that include fingerprinting?

A That's right.

Q And anything else?

A It included photography, laboratory, interrogation; the whole field of criminology.

Q And upon completion of that training, what work were you assigned to in the United States Armed Forces?

A I was assigned to the Criminal Investigation work.

Q And what work did you perform?

A We did investigation of traffic accidents, any homicides, any burglaries or any thefts, like in the barracks, thefts, and so forth.

Q I see. Now, Officer Grabowski, I want to call your

attention to July 4th of this year. Were you working on that day?

A Yes, sir.

Q At what time did you begin your work that day?

A About 7:45.

Q Now, did you receive any instructions that day or that morning?

A Yes, sir.

Q And what time was it that you received those instructions?

A At 7:45.

Q And from whom did you receive those instructions?

A From Captain Hauschild at the Detective Bureau.

Q Upon receiving those instructions, what did you do?

A I then proceeded to Bay Village.

Q And where you alone?

A Yes, sir.

Q And what time did you arrive in Bay Village?

A I arrived there about 8:15, 8:30.

Q And where did you go in Bay Village?

A To a home, 28934, which, as I was instructed, was the third house west of Huntington Park on the north side of the street.

Q And what, if anything, did you have with you when you took that trip?

A I had the regular, what we call the Bertillon car, which



is equipped with camera equipment, fingerprint taking equipment, and so forth.

Q And I take it that upon your arrival there at the Sheppard home, you entered it, is that correct?

A I answered it, that's right.

Q Now, as you entered the home, did you speak with someone there?

A Yes. I spoke with Dr. Gerber.

Q Did you speak with anyone else there?

A Yes, with Patrolman Drenkhan.

Q Now, did you see anyone else there later that morning?

A Yes. I seen a couple of our Cleveland detectives there and also the Chief, and several other patrolmen from Bay Village, whose names I don't recall at the moment.

Q Now, what was the nature of your assignment there that morning?

A I was told to assist the Bay Village police in a dead body that they found there.

Q Now, after speaking with Dr. Gerber and some of these other people that you have described, did you do something there that morning?

A Yes. I made a hurry-up -- I went through the home fast to get myself just exactly -- what I could see throughout the whole home.

Q Describe generally what you saw?

A Well, when I first walked in, I walked in through the south door, and as I walked in the hallway I noticed a medical bag spilled. Then I looked into my -- the first room on my right, and there I saw a desk, and the desk drawers pulled out and lots of articles strewn all over the floor.

Then I walked into the living room, and just ahead of me I seen another desk with a drop leaf down and some more articles scattered on the floor.

And then I went upstairs, and in one bedroom I seen the body there, and then I looked over in the other bedrooms, which there was nothing unusual about the other places.

Q I see. Now, did you take some photographs there that morning, Officer Grabowski?

A Yes, sir.

Q Generally, what photographs did you take?

A Well, I took pictures of the bag that was spilled in the hallway, the study, the picture of the desk in the living room, and also some pictures on the bedroom; took some pictures on the beach, took one picture to show the grass and another picture showing the steps, and so forth.

Q Now, will you describe the desk in the living room, please?

A ✓ The desk is three drawers and it had a drop leaf on top, and when you put the drop leaf down it had little -- three

drawers and had little cubicles that you could put in your letters.

Q Did you do anything pertaining to that desk that morning?

A Yes. I dusted that desk for fingerprints.

Q And how did you do that?

A I used regular white fingerprint powder and with a little small brush, camel's hair brush, that we have especially for that purpose, and I dusted the surfaces of the front -- the sides, the front, front of the drawers, the front and the back of the drop leaf, and also some of the articles that were on top of the desk, like there was two pictures there and a glass full of -- container full of some money, which I think was pennies.

Q Now, as you dust the drawers with fingerprint powder, what happens when you place that powder on a desk?

A That powder is very susceptible to oils, like your hand oils, or moisture, and it shows just exactly what is over there.

Q Now, I think you stated that you poured some of that powder on the surface of the leaf, is that correct?

A That's right.

Q And on the drawers?

A That's right.

Q On the face of the drawers?

A That's right.

Q All the drawers, sir?

A Yes, sir.

Q And on the sides of the desk?

A Yes, sir.

Q In other words, you made an examination of that entire desk?

A That's right.

Q For prints?

A That's right.

Q Did you make an examination of the contents that were still remaining on the desk for prints, also?

A The contents that were in the drop leaf section.

Q Yes. Did you make --

A Yes, sir.

Q Now, what, if anything, did you find?

A I found a partial palm print on the inside of the drop leaf on the right side about six inches from the beginning and about three inches from the right end.

Q And upon seeing this palm print -- withdraw that.

Upon seeing this partial palm print what, if anything, did you do?

A Then I photographed it.

Q And how did you do that, please?

A We have -- with a special fingerprint camera, which is a camera which contains its own light source and has a fixed

focus so that when you take the picture you show the actual size.

Q And you say you did photograph that partial palm print?

A That's right.

Q Now, upon obtaining that photograph, did you dust anything else there in that living room for prints?

A No, I did not. I dusted --

MR. GARMONE: Was your answer,

"No, I did not"? I didn't hear you.

THE WITNESS: I said, yes, I

dusted also some letters that I picked up from the floor, which I thought contained fingerprints.

Q And did they?

A No, none of them did.

Q Now, there was a quantity of paper and letters and -- withdraw that.

There was a quantity of objects there lying on the floor right in front of that leaf desk, is that correct?

A V That's right.

Q Would you describe in a general way what those objects consisted of?

A Those were just letters, some sales tax stamps, there was some pencils there and there also was an ink bottle.

Q I see. And did you examine that for prints of any kind?

A That's right.

Q And how did you do that?

A I looked them over by visual inspection, and if I seen what looked like a fingerprint, I put powder on it.

MR. GARMONE: Object -- well,  
I'll withdraw the objection.

THE COURT: All right.

Q Did you find any prints on those papers there on the floor?

A No.

Q Now, other than this partial palm print that you found on the desk, did you find any other prints of any kind on that desk?

A No, none on the desk.

Q Well, describe what, if anything, you did discover as to that desk?

A Well, in my examination on the powder I noticed very peculiar lines throughout the desk, on the drop leaf and on the fronts of the drawers.

Q Describe these lines?

A It's just like a -- in other words, it's just like a straight line, like if I had a very rough, sandy hand and I just ran my hand right straight through it. That's a rather loose description of it.

Q And over what part of the desk did you see these lines?

A Over the drawers, the front and the back of the drop leaf

and on the sides and on the top.

Q Over all this area?

A Over this area.

Q Was that the only place that you found those lines, sir?

A No. ✓ I found them on some articles, also, that I examined from the study.

Q And describe those articles?

A Well, those articles that I examined from the study, there were two statuettes, two broken statuettes, a couple of metal boxes, and then there was -- just on those statuettes and on the two metal boxes.

Q Now, will you describe those lines, please?

A ✓ Those are about the same lines like the other one, like if somebody took a piece of sandpaper and just scratched it right straight through.

Q And these lines that you saw there on that leaf desk, how wide were those lines apart?

A They were not very much apart. I think it would have to take a very, very minute measuring instrument to measure the lines.

In other words, they were very close together.

Q ✓ And as you poured this powder on that desk, what happened, in so far as those lines were concerned?

A ✓ They were made very visible. You could see them very well.

Q Now, what else, if anything -- withdraw that.

Did you examine the door at the north of the living room, sir?

A Yes, sir.

Q And tell us how you examined that door and what, if anything, you found?

A I examined that door for two reasons. One was for fingerprints, which I did by the oblique light method, that is, a method that you can see fingerprints without applying powder.

Q And how is that, please? Describe how you do that?

A Just holding a flashlight, instead of holding it at a parallel, you tilt it slightly at about a 45 degree angle, and you run your flashlight over it, either your flashlight or any other source of light.

Q And what, if anything, did you discover?

A I discovered a lot of smudges on the door and also -- and another thing I examined the door for was to see if there was any forcible means of entry there, but I could find no marks which showed that there was anybody trying to get in that door.

Q I see. Now, these smudges that were found on that door, were there any recognizable prints on that door?

A No, they were not legible at all for prints.

Q Now, that door has a door knob, does it?



A Yes, sir.

Q Did you examine that door knob?

A Yes, sir.

Q By what method did you examine the door knob?

A By the light method, by the oblique light method.

Q And what, if anything, did you see on the door knob?

A I seen displayed plenty of prints, one on top of the other.  
I just couldn't make anything out of them.

MR. GARMONE: You said you  
saw plenty of prints, one on top of the other,  
did you say?

THE WITNESS: Yes.

THE COURT: And you couldn't  
make anything out of them?

THE WITNESS: Yes.

MR. GARMONE: And that was with  
the flashlight?

THE WITNESS: With the flash-  
light, that's right.

Q Now, have you ever used that method of obtaining or  
discovering prints prior to that, sir?

A Yes, sir. We use that all the time.

Q Now, in your work with the Bertillon Section of the  
Cleveland Police Department, what do you investigate  
generally?

A We generally go out to house breakings, safe jobs, murders and anything else that we might be -- where stolen autos are discovered, to examine for fingerprints. Anyplace where our service would be required.

Q And in the course of years that you have been working in the Bertillon Division in a city as large as Cleveland, I take it that you have done that on numerous occasions, is that right?

A That's right.

Q And have you used this oblique light method of discovering prints on numerous occasions?

A That's right, use it all the time.

Q And as to the dusting of powder over suspected areas, have you used that on numerous occasions?

A That's right.

Q Now, did you do anything further there in the living room?

A No. That's all I done in the living room.

Q Other than the photographs?

A Yes. The photographs, and also I examined some papers that were in that chair. There was -- the drop-leaf table was like if supported on a chair, and there was a bunch of papers inside that chair -- on that chair. I examined those papers on that chair.

Q Now, as I understand it, the drop-leaf --

A Was down.

Q And a portion of that drop-leaf was on a chair?

A Resting on a chair.

Q In the living room?

A In the living room.

Q And that chair had certain papers on it?

A That's right.

Q And did you examine those papers?

A Yes.

Q How did you examine that?

A I examined them by the visual method, and if I had anything for a suspected fingerprints, I applied powder to that.

MR. GARMONE: I object and ask  
the latter part of the answer be stricken and  
the jury be instructed to disregard it.

MR. DANACEAU: It is responsive.

THE COURT: Do I understand  
that he said that he used the powder method?

MR. GARMONE: No. He used the light  
method.

MR. MAHON: And powder.

THE WITNESS: And then I --

MR. PARRINO: Just a moment.

And over the suspected area he put powder  
if he so found it necessary.

Is that correct?

THE WITNESS: That's right.

Q And were you able to find any identifiable prints on any  
of those papers?

A None.

Q At any place in that room, other than the palm print,  
were you able to find any identifiable prints, sir?

A None.

Q Did you go into the den that morning, sir?

A That's right.

Q And describe what you saw in the den.

A ✓ In the den I saw a desk and a chair. The desk contained  
six drawers. One drawer was inside the desk, two drawers  
were piled on, facing the north, on the eastern part  
of the desk, and the three other drawers were strewn on  
the western part closer to the wall.

Q And what, if anything, did you do in that room?

A I examined all the desk. I examined the sides of the desk, and also the drawers -- sides, bottoms and fronts of the drawers.

Q And for what did you make an examination?

A For fingerprints.

Q How did you make the examination?

A I did that by powder, powder and also -- and by the visual light method.

Q And did you find any identifiable fingerprints in any of those places?

A No, sir.

Q Did you do anything further in that room, sir, in the den?

A Yes, sir. There was a lot of loose cardboard boxes that were strewn around there, too. I examined all those, and then also -- there was also two broken statues laying on the side. I examined those, too.

Q How did you do that?

A By the powder method.

Q Did you find any identifiable prints?

A None.

Q Anything further in the den?

A And then there was two metal boxes. I examined those, plus the contents on the inside, which showed no prints.

Q Now, where were these marks that you described in the den,

please?

A They were on the -- they were noticeable -- I noticed them particularly on the two metal boxes and the statuettes.

Q Where exactly was this metal box located that you are describing?

A ✓ One metal box was located in front of the desk, that is, the sitting part -- if I was sitting at the desk, on my right side on the floor.

Q Did you dust that box?

A Yes, sir.

Q Did you find any fingerprints on that box?

A None whatsoever.

Q ✓ Describe these marks that you found on that box.

A The marks are like the same -- like it was before somebody took a fine piece of sandpaper and just ran through them, and you was able to see those scratches in there.

Q \* Could marks of that kind be, in your opinion, sir, created with a cloth?

A ✓ That's right.

Q Now, did you do anything further in that room, sir?

A Outside of the photographs, no, not in that room.

Q Before you go into the den, did you see anything there in the hallway?

A Yes, sir. There was a medical kit with spilled contents.

Q Describe that medical kit, please.

A The medical kit was a sort of a black alligatory leather kit, and it was one of those -- it is shaped oblongy, and when you open the front -- in other words, if you open the front, everything shows up on there.

Q Now, describe the surface of that kit, please, the outer surface.

A The outer surface was sort of pebbly. It was not smooth. It was wavy.

Q Was that, in your opinion, suitable for fingerprints, sir?

A It is not.

MR. CORRIGAN: I object to that.

"Was it suitable for fingerprints?" I think --

MR. GARMONE: It is a conclusion.

MR. CORRIGAN: It is a conclusion.

MR. DANACEAU: Yes, but he is an expert.

MR. MAHON: He is an expert.

THE COURT: He is an expert in that field, I take it.

MR. GARMONE: Let's find out if he examined it for prints.

THE COURT: Let him tell what he did with it, yes. The jury will disregard that entirely.

Q Now, what, if anything, did you do relative to the outer

surface of that bag?

A The first thing I did was on the back of it, I put my print, and then I powdered it with powder to see if I could get anything, and I found I could not get my print, because the main reason for it is because I could not get the uninterrupted flow of lines which is needed for a clear, legible print.

Q In other words, after putting your own print on that bag, you poured powder over your own print?

A That's right. Used it as a sample.

Q After you poured the powder over your own print, were you able to see an identifiable print of your own finger?

A No.

Q Will you describe the contents of that bag, sir?

A The bag contained little bottles of various medicines, various medicines. There was quite a few of them.

Q And what, if anything, did you do in regard to them?

A I examined each one individually for fingerprints.

Q And how did you do that?

A With powder.

Q And did you find any identifiable fingerprint on any of those items?

A None.

Q Now, did you go upstairs in that home at any time?

A Yes, sir.



Q Did you go into Marilyn's bedroom?

A That's right.

Q And what, if anything, did you do in that bedroom?

A In Marilyn's bedroom I took several pictures, and I also dusted the northwest window for prints.

Q Did you find any identifiable prints there?

A No, I found none.

Q Did you do anything further in that room?

A Yes. When I examined the inside and the outside -- no, I didn't do anything else outside of taking the pictures and dusting that window.

Q Was there a reason for that?

A Yes.

Q Would you state to the jury the reason for that?

MR. GARMONE: Object to whatever  
his reason was.

THE COURT: He may give his  
reason.

Q Continue.

A The main reason that I did not want to do any more on there was No. 1, was contamination.

Q What do you mean by that?

A In other words, if I applied that powder that I have on any of those surfaces, in case anybody would want to conduct

any chemical test, or anything like that, he would not be able to, because it would be contaminated by that powder.

And reason No. 2 was the peculiar pattern of the blood, and I did not want to bother that in case the pictures I took did not come out, I could always go back and take another picture, or if somebody else wanted to study them, he would have an opportunity to study them with the thing being as it was in the beginning.

MR. CORRIGAN: I didn't get what he was referring to.

MR. DANACEAU: Would you read it back?

MR. CORRIGAN: He don't have to read it back. I just want to have it clear. The rest of the room was the --

MR. PARRINO: I don't recall the exact words myself.

MR. GARMONE: He was asked if he did anything other than dusting the window.

MR. CORRIGAN: I see. Well, all right. Go ahead. Let it go.

Q Now, at any time that morning did you go down to the beach, sir?

A Yes, sir.

Q What time was it when you went down to the beach?

A I'd say it was about 9:15, somewhere around there.

Q Was there anyone else down there at the time?

A Yes, sir. Patrolman Gareau.

Q Who is Patrolman Gareau?

A Patrolman Gareau is a member of the -- I mean Detective Gareau, I will stand corrected -- Detective Gareau is a member of the Cleveland Police Department assigned to the Homicide Unit.

Q And did you go down to the beach at anyone's instructions, sir?

A At his instructions.

Q ✓ Now, when you got down to the beach at or about 9:15, what, if anything, did you see on the beach?

A ✓ I noticed some footprints, barefoot prints on the beach.

Q Now, keeping in mind the stairway at the Sheppard home there that leads down to the beach, and what has been called a boat house there, there are some other steps that lead down into the beach itself, isn't that correct?

A That's right.

Q ✓ Now, you say there were some footprints there on the beach?

A ✓ That's right.

Q Now, where were these footprints that you are now about to describe?

A ✓ Well, they started off at about 50 feet away from the steps, and they extended down to about 75 feet.

Q Now, you say these were 50 feet away --

A They seemed to start --

Q Just a moment, please. They were 50 feet away from the steps, is that correct?

A That's right.

Q In what direction?

A In an easterly direction.

Q And describe these prints as you saw them.

A Well, they were prints -- they were barefoot prints that looked like the water was washing into it, and it sort -- where normally you'd have a rough edge where it is impressed in, they were pretty well rounded off.

Q And what, if anything, did you do relative to these prints?

A Well, we debated whether to make a plaster cast out of the prints first.

Q Did you make a plaster cast?

A No.

Q For what reason did you not do that?

A Reason No. 1 was --

MR. CORRIGAN: Object.

MR. GARMONE: Object to this, if the Court please. He made no plaster cast, and I don't think it is necessary to ask the reason for it.

MR. MAHON: I think he has a right

to tell why.

THE COURT: He may state just why. You have been challenging the efficiency of the investigation.

MR. GARMONE: We have made an objection. What is the Court's ruling?

THE COURT: All right, the Court has ruled he may answer.

MR. GARMONE: Exception.

MR. CORRIGAN: Except to the statement of the Court, also, that we have been challenging.

THE COURT: Exception may be noted.

Q Tell us slowly why you did not do that.

A Number -- the main reason was the condition of the soil which was sandy, and when you pour plaster on sand it adheres very much to the plaster and you lose all the detail of the print.

Q And what type of a print was this?

A It was a barefoot print.

Q And did you take some photographs of that, sir?

A Yes, sir.

THE COURT: Mr. Parrino, could you suspend now before you go to the pictures?

MR. PARRINO:

Yes.

THE COURT:

Ladies and gentlemen  
of the jury, we will now be adjourned until 1:15  
this afternoon.

Please do not discuss this case.

- - -

(Thereupon at 12 o'clock noon an adjournment  
was taken to 1:15 o'clock p.m., Tuesday, November  
23, 1954, at which time the following proceedings  
were had):

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Tuesday Afternoon Session, November 23, 1954 (1:15 p.m.)

Thereupon, MICHAEL S. GRABOWSKI resumed  
the stand and testified further as follows:

MR. PARRINO: Will you mark  
these State's Exhibits 53 and 54?

(State's Exhibits 53 and  
54, being photographs,  
were marked for identi-  
fication.)

DIRECT EXAMINATION OF MICHAEL S. GRABOWSKI (CONT'D)

By Mr. Parrino:

Q Now, Officer, you say that you went down to the beach  
that morning, is that correct?

A That's right.

Q And that there you observed a set of bare footprints in  
the sand, isn't that correct?

A Yes, sir.

Q And I think you said that you photographed those prints,  
did you?

A Yes, sir.

Q Now, you further stated that for various reasons you did  
not make a cast of those prints, isn't that correct?

A Yes, sir.

Q Now, are there any additional reasons other than those

which you have already stated why you did not make a cast?

MR. GARMONE: Objection.

THE COURT: He may answer.

MR. GARMONE: Exception.

A Well, I'll have to repeat them. There was two main reasons. One of them was the condition of the soil and the other one was the detail, in other words, even if you did make it, it would not show the detail of the footprint.

MR. GARMONE: Object to that answer and ask it be stricken.

THE COURT: Yes. He has already answered that.

Q Now, is there any other reason or reasons?

THE COURT: Additional to what you said this morning?

MR. PARRINO: Yes.

A Another reason for that was it was too shallow, it was not deep enough for a good plaster cast print.

Q You are speaking of the print itself?

A That's right, the print itself.

Q Now, showing you what is marked for identification as State's Exhibits 53 and 54, will you examine those pictures, please, and tell us if you recognize them?

A Yes, sir.



Q And by whom were those photographs made?

A They were made by me.

Q At the time you have just described this morning?

A That's right.

Q And what did those photographs represent?

A They represent the footprint in the sand.

Q And I see a ruler there portrayed in this photograph.

By whom was that placed?

A That was placed by me.

Q And for what purpose?

A For the purpose to show the size of the foot.

Q Now, was a specific purpose indicated to you as to why this picture was taken, by anyone?

A No.

Q Did you talk to Detective Gareau?

A He just wanted -- I did talk to him, but he did not give me the reason for taking those footprints. He just wanted me to take them.

Q He asked you to take the picture?

A He asked me to take them, that's right.

MR. PARRINO: I wish to offer  
State's Exhibits Nos. 53 and 54 at this time,  
your Honor.

THE COURT: They may be  
received.

(State's Exhibits 53 and 54 were received in evidence.)

MR. PARRINO: May I pass them  
among the jury, please?

THE COURT: Yes.

(State's Exhibits 53 and 54 were passed  
among the jury.)

13 Q Now, Officer Grabowski, what time did you leave the Sheppard home that morning?

A It was about 10:30.

Q And did you ever return there again at any later time?

A No.

Q This was the one and only occasion that you personally were there, is that correct?

A That's right.

MR. PARRINO: You may inquire, sir.

CROSS EXAMINATION OF MICHAEL S. GRABOWSKI

By Mr. Corrigan:

Q Mr. Grabowski, as I understand it, you have had considerable training in criminal investigation, is that so?

A Yes, sir.

Q You have been in this department for nine years?

A Yes, sir.

Q And you have been always confined in your work to the Criminal Investigation Bureau; that is the part of the department that carries on the scientific investigation in the matters of crime?

A Not during those nine hours. Only six years.

Q Six years?

A That's right.

Q And before that, you were doing general police duty?

A That's right, sir.

Q And you say that you have made some study of the matter of criminal investigation, and what should be done in the matter of criminal investigation?

A Yes, sir.

Q And then when you were assigned to the Army, you also engaged in criminal investigation there?

A Yes, sir.

Q And you had the advantage of the training that was given by the Army?

A Yes, sir.

Q Now, in the making of a fingerprint, will you tell me if it is not true that when a fingerprint is deposited on a surface, there is left the results of what is on the finger when it is laid on the surface; that's right, isn't it?

A Yes, sir.

Q There may be oil and dust, perspiration, and if there is blood on the hand, the blood?

A Yes, sir.

Q And you know that in the -- you know from your experience that a person who is committing a crime -- or has this been your experience and the result of your investigation and study, that a person who is committing a crime is very likely to perspire?

A Yes, sir.

Q That is true?

A Yes, sir.

Q And one of the results of that perspiration from the finger results in the deposit upon the surface of the perspiration from the finger?

A Yes, sir.

Q Now, that perspiration will contain salt, you know that?

A Yes.

Q Now, in the examination of a fingerprint, there are a great number of ways to determine fingerprints, are there not?

A Yes, sir.

Q And a great many methods of determining fingerprints?

A (Witness nods affirmatively.)

Q Now, when you went out to the Sheppard home on the morning of July the 4th, Mr. Grabowski, you carried with you a camera?

A Yes, sir.

Q Before you went there did you have any information as to what had occurred in the Sheppard home?

A No.

Q Who did you get your orders from?

A Captain Hauschild.

Q Did he tell you that it was a murder?

A Well, he did.

Q

Did he tell you anything about it?

A

No, sir.

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Q So you were to go out and make a scientific investigation, is that correct?

A To assist the Bay Village men in making one.

Q In making a scientific investigation?

A That's right.

Q And when you departed from headquarters, what besides the camera did you carry with you?

A Well, we not only have one camera, we have two cameras. We have the regulation press camera and we have the fingerprint camera in there.

We also have our various equipment for making plaster casts.

We also got our various methods that we can take tool marks with inside the various kits. We have all kind of kits.

Q Well, now, let me see, when you departed, then, you departed with kits, investigation kits that were made up in the police station?

A That's right.

Q Now, the fingerprint camera is a different kind of a camera than the ordinary camera?

A That's right.

Q Especially designed for the taking of fingerprints?

A That's right, sir.

Q So you took that. Now, then, what was in the kit?

Did you have more than one kit with you, investigation kit?

A Yes, sir.

Q What was in the kit? Did you have two kits?

A Well, some of the -- some equipment, like this camera equipment, and so forth, is in the car permanently, and each individual has his own powder kit with brushes which he carries, and his flashlight and forceps and any other things that he thinks is necessary for him that will help him in his work.

Q Now, that is what I want to find out, about what you carried. You carried the camera kit?

A That's right.

Q Then you carried a kit that contained the material for fingerprinting?

A Yes, sir.

Q Then you carried a kit that contains forceps --

THE COURT: You will have  
to speak out. He doesn't see you nod your  
head.

Q -- forceps, and what else?

A And then I have a screwdriver and a pair of pliers.

Q Yes.

A And then I have a kit for taking persons' fingerprints, what they call an inkless method.

Q That is for taking live fingerprints?



A Live fingerprints.

Q All right. And anything else?

A Then I have another one that I can take fingerprints, also -- I have two kits, two ways, the inkless and the ink method, and then I have a little plasticene in there which I can -- sometimes if I have to, I can take impressions of tool marks, and then I have various envelopes which I gather my evidence in, tags, my tape that I use for lifting.

I also got my cards that I mount my lifting tape on. Then I also carry some paper towels which I need sometimes. I've got all that in my kit.

Q Did you have in your kit material for making a plaster cast?

A No. That's in the truck -- that's in the car.

Q Well, was it in the car when you went out there?

A That's right.

Q So that you know how to make a plaster cast?

A Yes.

Q And the material was available to you if you needed that material on that morning?

A Yes, sir.

Q Yes. Now, then, when you entered the house, what did you bring into the house besides the two cameras, the fingerprint camera and the regular camera?

A My fingerprint taking kit, a little suitcase that I have.

Q And what kind of powder did you have?

A I got three kinds of powder in there. I have black, white and aluminum.

Q The black powder is used on a white surface, isn't it?

A That's right.

Q And the white powder is used on a black surface?

A That's right.

Q And those powders are commercially -- made up commercially? You don't make them up yourself?

A Some of them we do and some we have that are commercially made up.

Q You know how to make up the powders?

A Yes, sir.

Q And the powders, when brushed upon a surface, will absorb -- or the surface on which it is brushed will absorb that powder, won't it?

A Now, I don't get it.

Q Well, if you have a surface where you put your finger down here and you deposit -- when I put my finger down there, the -- what do you call it?

When I put my finger on a surface, the friction edges, what you call the friction edges of the finger come in contact with that surface, don't they?

A Yes, sir.

Q Those are the sensitive parts of the finger. And those friction edges are in circles, or in loops, is that not so?

A Yes, in lines.

Q Lines. And they begin from a point in the middle of the finger, which I will call a spot, and then they revolve around that spot, and there are many hundreds of them on each finger, aren't there?

A There are very man pores, if you want to call them, but lines you don't have too many.

Q Well, you have lines. First you have lines around the end of the finger?

A Yes.

Q You can see them under a microscope. And then each one of those lines or pores come out all the way around the friction edges?

A Yes, sir.

Q And it is out of those pores that the oil or the salt or anything that is in the perspiration is deposited on the surface?

A Yes, sir.

Q And also there would be deposited on the surface any dirt or blood or anything of that kind that might be on the finger when it is laid on a surface?

A Yes, sir.

Q And when the powder is placed on this spot, there is a reaction, is there not, from the oil on the finger?

A Yes, sir.

Q And from the salts in the perspiration that reacts on this powder?

A Yes, sir.

Q Isn't that correct?

A That's right.

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Q Now, the first thing you did was take some pictures.

Did you do that before you did any fingerprinting?

A Yes, sir.

Q First you walked through the house?

A Yes, sir.

Q And kind of got the layout of the house?

A Yes, sir.

Q Marilyn was -- Mrs. Sheppard was still there in the house, was she not?

A Yes, sir.

Q And you took pictures. Will you take these pictures, Mr. Grabowski, and pick out the pictures that you took that morning? Just yours. There is a number of others that I know were not taken by you.

(Witness does as requested.)

Q Now, the pictures that are in evidence that were taken by you, Mr. Grabowski, -- the pictures that were taken by you, Mr. Grabowski, is Exhibit No. 8, which is a picture of the couch?

A Yes.

Q I turn them this way so the jury can know what I am talking about.

A Yes, sir.

Q The picture No. 9, Exhibit 9 is a picture of Marilyn in her bed as you took it?

A (Witness nods affirmatively.)

Q The picture No. 12 is a picture of the back taken from the back door looking toward the front door?

A Yes.

Q And No. 11 is also a picture of the back taken from the back door looking toward the front door?

A Yes, sir.

Q And picture No. 10 is another picture of Marilyn Sheppard as she lay in her bed?

A Yes, sir.

Q And picture No. 14 is a picture of conditions as you saw them in the den?

A Yes, sir.

Q And picture No. 13 is a picture of the dining room showing the desk?

A Yes, sir.

Q And picture No. 18 is a picture looking down the steps that lead from the house to the lake?

A Yes, sir.

Q And picture No. 22 is a picture of the two doors in the bedroom?

A Yes, sir.

Q Showing the blood spots?

A Yes, sir.

Q We have picture No. 54 and picture No. 53, which you have

identified just a little while ago as being a picture you took on the sand?

A Yes, sir.

Q Now, did you take any other pictures?

A Yes. I can recall one missing there.

Q What one is missing?

A And that is the one that was taken of the bed after Marilyn Sheppard and the top cover has been removed.

Q Have you got it?

A The prosecution has it.

Q I haven't looked at these pictures that you showed here today, that is, that were identified by Mr. Parrino, but do they show a woman's foot in the sand?

A You mean the picture that was just presented?

Q Yes. The two pictures that were shown this afternoon, do they show a woman's foot in the sand?

A I couldn't say whether it was a woman or a man.

Q Was it barefoot?

A It was barefoot, that's right. I didn't study --

Q Now, when you went into the house, and after you made your general survey of the house and found out where the rooms were, and so forth, did you then begin the work of taking pictures before you did the work of fingerprinting? Which did you do first?

A I took the pictures downstairs first before I began the

fingerprinting.

Q Well, did you take the pictures upstairs before you did the fingerprinting?

A No. I did that later.

Q Now, after you had completed taking these pictures that we have here in the evidence, you then began your fingerprinting work? That is, the pictures that show the downstairs, after you had completed taking your pictures of the downstairs, you then began the fingerprinting work?

A That's right.

Q And the first thing that you fingerprinted was the desk?

A Yes, sir.

Q And what kind of powder did you use on the desk?

A I used white powder.

Q And you discovered on the desk -- you discovered fingerprints on the desk, didn't you?

A I discovered one palm print.

Q Was that all?

A That's all.

Q Didn't you discover traces of any other fingerprints?

A No, sir.

Q Just the palm print?

A Just the palm print.

Q And where was the palm print?

A It was on the inside of the drop-leaf on the right side



about --

Q Let's take a picture and you point it out. I think we have a picture of the desk here. This is the desk that you refer to. Now, where did you find the fingerprint?

A About right in there, about six inches from this edge and about three inches from that edge right over there.

Q That was on the drop-leaf?

A On the drop-leaf, yes, on the inside.

Q Will you just stand up and show the jury what you were pointing to? Just so they will know what you were doing.

(Witness does as requested.)

Q Right there. All right. Now, Mr. Parrino, during his examination, asked you constantly about unidentified fingerprints. Did you understand what he was asking you?

A Yes, sir.

MR. MAHON: He was talking about identifiable fingerprints.

THE COURT: Just a minute.

Mr. Parrino didn't, Mr. Corrigan. What he asked the witness was whether or not he found any identifiable fingerprints.

Q Well, did you find some fingerprints that were not identifiable?

A Are you talking of a specific -- are you talking about the desk itself?

Q I am talking about the question that was given to you by Mr. Parrino and which you answered a number of times, that you did not find any identifiable fingerprints at certain places where you made examinations.

A He specified the places, if I recall correctly.

Q Well, did you in those places that were specified in his question find any fingerprints that were not identifiable?

A Yes.

Q So you found fingerprints?

A Yes.

Q I just wanted to make that clear.

A Yes.

Q But you didn't identify them?

A That's right.

Q Now, the palm print that you found on the desk, did you make a picture of that palm print?

A Yes, sir.

Q Have you got it?

A The prosecution has it.

Q Well, they didn't show it to you.

MR. DANACEAU: We will show it  
before the case is over.

MR. CORRIGAN: Well, let's have it  
now.

MR. DANACEAU: We will have it with the

proper witness.

Q They didn't show you that palm print.

(Mr. Parrino hands palm print to the witness.)

Q Do you have it now, Mr. Grabowski?

A Yes, sir.

Q Now, that is a palm print, is that correct?

A A partial palm print.

Q What part of the palm is it?

A I wouldn't be able to say.

Q You couldn't tell?

A No, I couldn't tell.

Q Can you tell whether it is the palm print of a man, a woman?

A No.

Q There is a difference between the palm prints of men and women, isn't there?

A In some cases, yes.

Q And can you tell whether it is the palm print of a child or a man?

A Not in this case.

Q You couldn't tell. You can tell, though, the difference between a palm print of a small child and the palm print of an adult?

A In some cases, yes.

Q But you couldn't do it in this?

A No, I could not in this one.

Q Could you tell it was a palm print?

A Yes, sir.

Q Now, then, you developed that back at your office after you had taken the photograph --

A I do not do the printing and developing. We don't do it. When we bring it in, they are turned over to the laboratory unit and they are the ones that do the printing and the developing.

Q Well, what do you do, turn your film over to some unit over there?

A That's right.

Q And they did the developing and the printing?

A Yes, sir.

Q Was it returned to you then?

A Yes.

Q For examination?

A Yes, sir.

Q Did you make a report on it?

A Yes, sir.

Q Have you got the report here?

A I have it available in the office.

Q Could you bring it over here or send for it?

A I think I can.

Q You have no reluctance in me seeing that, have you?

MR. MAHON: Object to this.

MR. DANACEAU: Object to these  
remarks by counsel.

MR. CORRIGAN: Questions are not  
remarks, sir.

MR. DANACEAU: They certainly are  
remarks, unnecessary remarks, too.

MR. CORRIGAN: I ask that be stricken  
out, your Honor.

THE COURT: The jury will disregard  
that entirely.

Q Now, then, on the desk itself, did you examine the front  
of the desk as it folds up?

A Yes, sir. You mean where the drop-leaf closed up?

Q Yes.

A Yes.

Q You examined that?

A Yes.

Q And you examined that with a white powder?

A Yes.

Q And you found fingerprints on that part of the desk, did  
you not?

A No, sir.

Q Nothing at all?

A No, sir.

Q Did you examine the drawers?

A The fronts of the drawers.

Q Did you examine that with powder?

A Yes, sir.

Q Now, you say then you examined the papers?

A Yes.

Q There was a number of letters thrown around the floor?

A Yes.

Q How did you examine those?

A By a visual examination first and where I suspected a print, I used powder on there to bring it out.

NS  
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Q Now, how many letters did you examine?

A There was quite a few of them. I don't recall the exact number.

Q Did you make a note of the letters that you examined?

A No, sir.

Q You didn't find any identifiable fingerprints on them?

A No.

Q Of course, you know that a letter passes through a great many hands?

A That's right.

Q And that it goes through the Post Office and the mailmen use it and handle it, the clerks, and so forth, on up to the delivery to the person who receives it at their home?

A Yes, sir.

Q So that there would be fingerprints on letters?

A That's right.

Q Yes. Now, you examined those fingerprints on the letters by means of what kind of powder?

A Black.

Q Black powder. And you found none?

A No, sir.

Q What?

A No, sir.

Q Is that the proper way to examine --

A When you are making a --

Q Now, wait a minute. Is that the proper examination by an expert, a fingerprint expert for the examination of paper?

A I can't answer that with a yes or no.

Q All right. Well, there is an accepted method of examining paper to bring out fingerprints that is not the use of powder, isn't there?

A Yes, sir.

Q What?

A Yes.

Q What is it?

A There's the iodine method and the silver nitrate method.

Q Yes. That is, you use iodine fumes on paper, do you not?

A Yes, sir, when I am looking for old prints.

Q Well, isn't it a fact that iodine fumes will discover recent prints?

A Yes, sir.

Q Yes. Now, you did not use the iodine method, did you?

A No, sir.

Q You had that material there at hand, did you not?

A Yes, sir.

Q In your kit?

A Yes, sir.

Q And there is another method used in determining fingerprints, which is called the silver chloride method?

A That's right.



Q And you had that material there?

A We do not have that available. That work is done in the laboratory.

Q I see. But you didn't have that with you?

A No.

Q But that is a method, isn't it?

A That's right.

Q Because when the silver chloride comes in contact with the deposit of the salts that is in the perspiration, the silver chloride will turn those salts black, isn't that so?

A Brown.

Q Brown. All right. So the only thing you used was white powder on those letters?

MR. PARRINO: Object to that.

Q Well, was there anything you used except white powder --

MR. DANACEAU: He said black powder.

Q -- black powder on the letters?

A No.

Q All right. That was, Mr. Grabowski, not the best scientific method to examine those letters, was it?

A Under the circumstances, yes.

Q What was the circumstances?

A I was looking for fresh prints and --

Q Well --

MR. PARRINO: Just a moment,  
please. Let him finish.

MR. MAHON: Let him finish.

MR. CORRIGAN: All right.

A I was looking for fresh prints and on paper, especially, with letters fresh prints stand out the best with black powder, that is, in other words, the accepted method at least about 12 hours -- I mean below 12 hours.

Q Well, the iodine method and the iodine fumes is the accepted method of examining paper, one of the accepted methods of examining paper to bring out fresh prints, isn't it?

A Fresh and old prints.

Q Yes. All right. And you had it in your case but you didn't use it?

A Yes, sir.

Q All right. Now, then, you examined only such letters as you picked out?

A Yes, sir.

Q Was any of that material taken by you to the Police Investigation Laboratory downtown?

A No.

Q Did you take anything with you when you left that house?

A No. I did not need to.

MR. CORRIGAN: I ask that "I did not need to" be stricken out. I asked him if he took it. I ask that the latter part of that answer be stricken out.

THE COURT: He said he did not.

MR. CORRIGAN: He said, "He did not need to."

Q Is that what you said?

A That's right.

MR. CORRIGAN: I ask that be stricken out.

THE COURT: Yes. The jury will disregard that part. I didn't get that. I heard him say he did not.

Q You didn't take anything with you?

A No, sir.

Q All right. Except the equipment that you took out there?

A Yes, sir.

Q Now, then, you say that you examined the bag, the overturned medical bag in the hall?

A Yes, sir.

Q What?

A Yes, sir.

Q But the examination you made of that -- that was a leather

bag, was it not?

A Yes, sir.

Q And you say that you put your own fingerprint on it?

A First.

Q And then spread some powder on it?

A Yes, sir.

Q You didn't get the result of your own fingerprint?

A No, sir.

Q So you made no further examination?

A No, sir.

Q Yes. Now, you examined the knob -- or, wait a minute --  
you examined the back door?

A Yes, sir.

Q Isn't that so?

A Yes, sir.

Q And you examined the knob of the back door?

A Yes, sir.

Q You found fingerprints there, did you not?

A Yes, sir.

Q And you found those fingerprints by putting a flashlight  
around them?

A That's right.

Q But you made no further attempt to identify any of those  
fingerprints, did you?

A They were not identifiable.

Q I didn't ask you that question. I said beyond looking at them and putting your flashlight on and seeing fingerprints there, you made no further effort to identify them?

A On the knob, yes, sir.

Q Now, then, you didn't apply the silver chloride test there or the iodine fume test, did you?

A Not to metal.

Q No. Well, that door wasn't metal, that door was wood, wasn't it?

A You are talking about the knob?

Q I am talking about the door and then I am talking about the door knob.

MR. MAHON: Well, you have talked about the knob. That's what you have been talking about.

MR. CORRIGAN: Well, all right. When you settle down, then I will get my questions.

MR. PARRINO: You ask them right, sir.

MR. MAHON: You settle down, too.

THE COURT: Well, put your question to him.

MR. CORRIGAN: Are you through

now?

MR. PARRINO: Just about.

MR. CORRIGAN: All right.

Q The door is wood, is it not?

A Yes, sir.

Q And the knob is metal?

A Metal.

Q And one of the very best places that you find the result of fingerprints is on metal, is it not?

A Yes, sir.

Q Yes. And you did find fingerprints on that metal?

A On the door knob metal, yes, sir.

Q But beyond looking at them, you did nothing further?

A That's right.

Q All right. Now, then, you went into the den and you made an examination of the den?

A Yes, sir.

Q What did you examine in the den? Just tell me.

A I examined the sides of the desk drawers and also some of the objects that were strewn around. I remember there was two metal boxes, there was a lot of little paper boxes which contained various articles.

Q Now, then, did you use powder in there on all those articles that you have talked about?

A On the desk and on the front of the drawers I used powder,

but on the sides and on the bottoms and so forth I used powder only where I suspected there were prints.

Q I see. And you found prints, did you not?

A No, none.

Q None?

A None what I powdered, on the sides of the desk.

Q None on the desk?

A No, sir. On the glass top there were plenty of smudge marks there, on the top of the desk.

Q They were fingerprints?

A That's right.

Q And beyond noting the fact that they were fingerprints, you made no further examination of them? You didn't take pictures of them?

A No.

Q You didn't take pictures of the fingerprints on the door, on the front door?

A No.

Q Or the fingerprints on the knob?

A No.

Q All right. Now, the doctor's bag, did you make a note of what the composition of the doctor's bag was?

A I know what it is.

Q What is it?

A It's a leather, it's a pebbly black leather bag.

Q Are you sure of that?

A Yes, sir.

Q Did you make a record of it?

A I can see it from the pictures, too.

Q What?

A I can notice it from the pictures, and I remember it.

Q You remember it?

A That's right.

Q That it is a pebbly black bag?

A Yes.

Q It isn't a smooth black bag?

A No, it was not smooth, no.

Q You are sure of that?

A I'm sure.

Q Was there any canvas on it?

A Not on the outside. There could have been on the bottom, but I mean not on the --

Q Well, was there any canvas on the inside?

A Yes, sir.

Q Did you make an examination of that?

A Yes, sir.

Q With what?

A Visual examination.

Q What?

A Visual examination.



Q Visual?

A Yes.

Q Well, you know that there are many fingerprints that are developed that you can't see visually, don't you?

A I made a visual -- I made a visual examination to see if I could get a good print and --

Q I know, but --

MR. MAHON: Let him finish  
his answer.

A And from that canvas --

MR. MAHON: Go ahead and  
finish your answer.

A And I noticed by the weave on that canvas, that I could not get a good identifiable print. In other words, again I would not have my uninterrupted flow of lines.

Q Well, I know, but you did find prints there, didn't you?

A Smudge marks, I mean there were smudge marks on there.

Q Well, those were prints, those were fingerprints?

A (No response.)

Q But that is as far as you went with that, wasn't it?

A I didn't get that last question, sir.

Q Now, then --

MR. MAHON: Wait a minute.

He didn't get the last question.

MR. GARMONE: He said, "That

is as far as you went with that?" That was his question.

A As far as the bag itself is concerned.

Q ✓ All right. Now, then, you went upstairs, and you say that you went into Marilyn's room or where Mrs. Sheppard was lying, and you made an examination of the -- or, took some fingerprints in that room, made an examination -- I should say you made an examination of part of that room?

A Yes, sir.

Q Now, beyond making the examination, I think you said, of the north window --

A Northwest.

Q Northwest. Well, it was the window that looked out on to the lake, is that correct?

A One of the windows.

Q One of the windows that looked out on to the lake?

A That's right.

Q And that, as we understand it, is in the north side of the house?

A Yes.

Q That is just below the bed where this lady lay, it was just north of where the lady lay, is that right?

A On the side of the bed.

Q Well, now, I don't get that, on the side of the bed. Let's you and I get this clear.

We were out there, Mr. Grabowski, and the jury was out there, and we found as you entered the room, you would enter and just inside the room there was a bed that ran north and south.

A Yes, north and south, that's right.

Q Is that right?

A That's right.

Q You got it in your mind now?

A That's right, yes.

Q All right. At the north end of that bed there were two windows, is that your recollection?

A That's right. My recollection is-- that's correct, there were two windows on the north end of that house -- north end of that bedroom.

Q Now, was it one of those windows where you made an examination?

A Yes, one of those windows, yes.

Q And did you examine the window that was towards the east or the window that was towards the west?

A No, just that one window, just the northwest window.

Q Well, there was two windows there?

A Three.

Q Three? There is one on --

A There is one on the side and two in the front.

The north -- there was one window on the west and

two on the north.

Q Well, the window that you examined was on the north side of the room?

A That's right.

Q And what part of that window did you examine?

A I examined the frame itself, the inside jamb and the outside door jamb.

Q Well, there are two windows there together, do you recall that?

A There's a little separation on them.

Q A little separation, yes. Did you examine the other window?

A No.

Q Just one window you made an examination of?

A Just one window.

Q And that was for the purpose of discovering if you could find any tool marks, showing an entry into the room?

A One of the reasons.

Q And the other window was not examined at all by you?

A No.

Q Did you use fingerprint powder around there?

A On the inside.

Q And there were fingerprints there, were there not?

A Smudge marks.

Q But those were the result of fingerprints?

A Yes, sir.

17 Q ✓ Now, was that the only thing that you examined in that room?

A ✓ Yes, sir.

Q ✓ You didn't examine the bed itself?

A No, sir.

Q ✓ Or the wooden parts of the bed?

A No, sir.

Q ✓ You made no examination of the -- did you notice there was a dresser in the room?

A Yes, sir.

Q You made no examination of that?

A No, sir.

Q ~~There was another bed in the room which had wooden parts~~ on it. You made no examination of that?

A No, sir.

Q Or of the stand or the lamp or the telephone in between the two beds?

A No, sir.

Q Now, did you notice, Mr. Grabowski, that in that room there was a closet door?

A Yes, sir.

Q Did you open that closet door?

A No.

Q You did not go inside to make an examination for fingerprints inside on that closet door?

A No, sir.

Q Now, you did notice, did you not, that on the walls, on the door there was blood spots?

A Yes, sir.

Q And there was also -- did you notice blood spots any place else in the room except the door?

A On the wall at the head -- I mean on the westerly head of Marilyn Sheppard's bed.

Q On the --

A Marilyn Sheppard's bed heading north and south.

Q Yes.

A Well, on the western section where her head was -- on the wall there was some blood spots, too.

Q And was there some blood spots on the south wall up above the bed?

A Well, that's the area I have reference to.

Q Now, then, you noticed, did you not -- and I will show you a picture that you took that shows some blood spots on the door?

A Yes, sir.

Q Did you take any other pictures of any other part of the room showing the blood spots on the other walls?

A No, sir.

Q You did not. This was all the pictures you took?

A Yes, sir.

Q Did you notice that there is a variation in the size of

the blood spots?

A You mean as to the size? Yes, sir.

Q Yes. There was quite a variation showing on that door as to the size of the blood spots, isn't there?

A Yes, sir.

Q Now, in your scientific investigation, and in your scientific education, you know, do you not, that the size of a blood spot -- from the size of a blood spot you can determine how far the person was away from the place where the blood landed?

A I will say it is possible to determine that.

Q You could also determine the angle at which that blood was thrown onto the surface?

A I'll say it is possible in some cases.

Q And isn't it a fact that the larger the blood spot that is thrown against the surface, it will create a pattern of stars around it or a sort of a splatter?

A Let me get that question again, please.

Q When a blood spot hits a surface, it will create a splatter?

A Yes, it will.

Q And there is a scientific method of determining from the size of the blood spot and the splatter that is surrounding it just where the person was when that splatter hit that surface, isn't there?

A In some cases, yes.

Q You made no investigation?

A No, sir.

Q You didn't try to determine any of those things, did you?

A No, sir.

Q Now, you said ~~that~~ you did not go any farther in the examination of that room because you did not want to do anything that would interfere with chemical examinations that might be made in the room?

A That's right.

Q You didn't want to disturb anything, isn't that it, Mr. Grabowski?

A That's it.

Q And when you were in that room and making that examination, you had determined as an expert that certain chemical examinations should be made and certain measurements should be made in that room in order to get the true picture of what occurred in there, didn't you?

MR. PARRINO: Objection.

THE COURT: Objection sustained.

Q Did you determine when you were in that room that certain experiments should be performed in that room to get the true picture?

A Yes, sir.

MR. MAHON: Objection.



THE COURT:

He has answered "Yes."

Q And that was the reason that you left it just as it was, outside of this one examination that you made of the window?

A Yes, sir.

Q Now, then, after you completed, did you make any examination of the outside of the door, the jamb outside?

A Which door do you have reference to?

Q Going into the bedroom.

A No.

Q You did not. Did you make any examination of the stairway?

A No.

Q Or the rail going down the stairway?

A No.

Q The examination that you made, now you have told all you did, have you not, all the examinations you made? Is there any that you have left out?

A We examined the outside, the shrubbery, too, for footmarks and footprints.

Q Where?

A The shrubbery part near the windows for --

Q I am talking about the inside.

A The inside, yes.

Q You have told all that you did inside?

A I think we did mention the bag.

Q What?

A The examination of the contents of the bag for fingerprints.  
I don't think that was brought out.

Q Did you examine the bag for fingerprints?

A The bag and the contents.

Q That is, you are talking about the medical bag?

A The medical bag, yes.

Q Now, Mr. Grabowski, was the green bag -- was there a green bag found before you departed?

A No.

Q With a watch in it?

A No.

Q Did you see a lady's watch on the floor?

A Yes.

Q Did you examine that?

A Yes.

Q How did you examine it?

A I examined it by giving it a visual examination -- I mean with powder, black powder on the sides and also the bottom of it, but did not touch the crystal part.

Q You did not touch the crystal part. Well, there was blood on the crystal part, was there not?

A That's right.

Q And the crystal part with the blood on it -- you are talking about the glass?

A That's right.

Q Would very likely have disclosed to you, if you made that examination, a fingerprint, wouldn't it?

A If it had one, it would.

Q Now, then, when you departed from the house at 10:30 in the morning, you went about other business?

A Yes, sir.

Q Did you have any more to do with the Sheppard case?

A No. I had no more to do with the Sheppard case.

Q No more to do with it from that time down to this when you came in here to testify, is that correct?

A That's right.

Q Was anything submitted to you at any time for examination?

A No.

Q After you left there. Was there a man's watch ever submitted to you?

A No, sir.

Q And we will let it go that nothing else was submitted to you, nothing was submitted to you after you left that house?

A Not to me.

Q All right. At the time that you were in the house, during the time you were in the house did you see a cigarette butt that was found in the toilet bowl?

A I don't recall.

Q Did you see any glasses or a handkerchief -- was that submitted to you in the house?

THE COURT:

You mean eyeglasses?

MR. CORRIGAN:

Eyeglasses, yes.

A No.

Q Or sunglasses. They were not. ✓ I want to ask you a couple of questions about these prints of the foot.

Mr. Grabowski, Exhibit 53 and Exhibit 54 are the two pictures of the same location, or --

A ✓ They are close to each other.

Q They are close to each other?

A Yes.

Q ✓ They are different, then?

A ✓ That's right. They are different. They are not of the same footprint.

Q ✓ Now, I see on this -- referring to Exhibit No. 54 -- there are a number of footprints on the sand.

A Yes, sir.

Q Can you identify them?

A No.

Q They are distinctly different, aren't they?

4 A Yes, sir.

Q Now, coming to the footprint of the bare foot, where is that?

(Witness indicates on photograph.)

Q That stands right next to the ruler?

A That's right.

Q ✓ And that footprint was taken by you at the request of

Q Detective Gareau?

A Yes, sir.

Q And was Schottke there at the time?

A No.

Q After you had taken this picture what did you do with it, after it was developed? Let me put it this way:

✓ After you took the picture, then it went through the process of development, and got back to you in the printed form?

A Yes, sir.

Q ✓ What did you do with it then?

A I just filed it with the rest of the photos.

Q It was filed in the photos in this case?

A That's right.

Q Available for all the officers that were working on this case?

A That's right.

Q And there was a number of detectives working on the case. You know that, don't you?

A Yes, sir.

Q Including Schottke and Gareau?

A Yes, sir.

Q Now, as far as you were concerned, your duty connected with it was over?

A That's right.

Q Now, then, Mr. Grabowski, turning to Exhibit 53, is that an imprint also of the bare foot? I can't see it, to tell you the truth.

A Yes, sir.

Q That is right there. And that also was taken at the direction of the detective?

A Yes, sir.

Q And developed and placed in the Marilyn Sheppard murder file?

A Yes, sir.

Q Well, I think that we understand that, Mr. Grabowski.

Then the examination of the bag, the only examination you made of it was to look at it. You made that examination, didn't you? You looked at it?

MR. PARRINO: What bag are you

talking about?

Q I am talking about the bag in the hall, the medical bag. You looked at it?

A I tried one of my prints to see --

Q I will come to that. But I will say first --

MR. MAHON: Now, you said, "Is that all you did?"

THE COURT: Let him say what he did. You are confining him --

MR. CORRIGAN: I am not confining him, your Honor.

THE COURT: That is what your question does.

MR. CORRIGAN: I am not going to confine him. I am just going to take it in logical order.

MR. DANACEAU: Object to it on the ground it has been gone over by counsel.

THE COURT: Sure.

Q Did you look at it, Mr. Grabowski?

A At first --

MR. DANACEAU: Just a moment.

Q You looked at it first?

MR. DANACEAU: We object to this line of questioning because he has already gone over it on cross-examination.

THE COURT: Well, he has, but let him answer.

Q And then after looking at it, you applied your finger to it?

A Yes, sir.

Q And then you tried to get a print of your own finger?

A Yes, sir.

Q You couldn't get it?

A No.

Q Now, that is all you did, wasn't it?

A That's correct.

Q Now, there were other footprints on the sand, were there not?

A Yes, sir.

Q You didn't try to find out whose those footprints were?

A No.

MR. CORRIGAN: I think that is all,  
Mr. Grabowski. Thank you very much.

REDIRECT EXAMINATION OF MICHAEL S. GRABOWSKI

By Mr. Parrino:

Q Now, Officer Grabowski, you did say to Mr. Corrigan a moment ago that in the living room at points other than the leaf desk, you did find some evidence of fingerprints, is that correct?

A One point -- just the one point on the door.

Q Yes. And at what point on the door was that?

A It was in the area of the doorknob and above it.

Q Now, were these whole fingerprints that you found there that --

A Mostly -- mostly they were smudges.

Q Smudges?

A Yes.

MR. GARMONE: Ask that the answer  
be stricken and the jury be instructed to disregard it, and instruct the witness that he should



answer the question.

MR. MAHON: He has answered it.

MR. GARMONE: No, he hasn't. He was asked whether they were whole fingerprints or not, and we are entitled to an answer to that question.

MR. PARRINO: He will give that to you if you give him a chance.

THE COURT: He said they were not fingerprints. He said they were smudges. That is what I understood him to say.

THE WITNESS: That's right.

MR. DANACEAU: He said most of them.

Q Now, were any of the prints on this doorknob -- were there sufficient of them for you to identify them as a whole fingerprint, sir?

A No.

Q Or as a palm print, sir?

A As a smudge -- just the outer part of a palm print, the outer edges, but not the inner part.

Q Describe to the jury what you mean when you say smudge.

A When I say smudges -- I mean, a print, in other words, when you leave a print on there, you get these individual lines. The valleys show up plainly. Now, by a smudge I mean is when you press your hand right against the door,

what happens, the valleys and the furrows flatten out and all you have got is just like a blur. All you have got is just one flat piece. You have no interrupting lines, or anything like that.

Q Is that what you found on that door?

A That's right.

MR. PARRINO: I think that is all.

Just a moment, please, Bill.

Q Now, when the term unidentifiable print is used, and has been used, will you describe what you know that to mean?

MR. GARMONE: Objection. He has already answered that question.

THE COURT: Well, I am not sure that he has quite in that form. Let him answer.

Q Go ahead, please.

THE COURT: In as few words as you can.

A Now, in identifying prints, you have to have what they call 12 to 16 characteristics on there. By characteristics I mean those exact lines in there where you can tell where a line ends. Does it form a circle down there? Does it form a dot? Does it form an ending?

Now, when I say that -- it has got to be quite a large area. It might be just a little tip, which isn't enough, and there's not enough points in there to make a

print indentifiable, or else it is all smudged and moved so that you can't see any of those at all.

Q Now, you say that you went upstairs into that home, is that correct?

A Yes.

Q Into Marilyn's room?

A Yes.

Q And that you examined one of the windows?

A Yes.

Q Why did you examine that particular window, sir?

A Because that was the window that had the screen in it, and that window was partly open from the bottom.

MR. PARRINO: That is all.

RECROSS EXAMINATION OF MICHAEL S. GRABOWSKI

By Mr. Corrigan:

Q Mr. Grabowski, just so we are clear:

You didn't take any pictures of these fingerprints that you saw in the house, except the one?

A This palm print, that's all.

Q You didn't take anything down to the Central Police Station to your laboratory, did you?

A No, sir.

Q You have in your laboratory high-powered microscopes, have you not?

A Yes, sir.

Q That you use on fingerprints?

A Yes, sir.

MR. CORRIGAN: I think that is all.

MR. PARRINO: That is all.

Thank you.

(Witness excused.)

MR. PARRINO: We are prepared to go forward, but I believe it is time for a recess, if the Court wants to adjourn now. The next witness may be lengthy.

THE COURT: What makes you think it is time for a recess?

MR. PARRINO: All I have to do is look at the jury, your Honor.

THE COURT: Ladies and gentlemen of the jury, we will have a few minutes' recess at this point. Please do not discuss this case.

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(After recess, 2:50 o'clock, p.m.)

Thereupon, the State, further to maintain the issues on its part to be maintained, called as a witness PATRICK GAREAU, who, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION OF PATRICK GAREAU

By Mr. Parrino:

Q. Would you state your name, please?

A. Patrick Gareau.

Q. Where do you live?

A. 4100 Walter Road, North Olmsted, Ohio.

Q. What is your occupation?

A. Detective, sir.

Q. How long have you been in the Cleveland Police Department?

A. August 1, 1950, I was appointed, sir.

Q. And to what duty were you assigned after that, please?

A. General duty in the Detective Bureau, sir.

Q. And thereafter were you assigned to any other duty?

A. Yes, sir; the Homicide Unit, sir.

Q. And when were you assigned to the Homicide Unit, please?

A. The first part of 1951, sir.

Q. And who was your partner in the Homicide Squad?

A. Initially, sir?

Q. Yes.

A Detective Morrow.

Q And did you have another partner after that?

A Yes, sir.

Q And who was that, please?

A Detective Schottke.

Q Now, I want to call your attention to July 4th of this year. Were you working on that day?

A Yes, sir, I was.

Q And on that morning, did you receive orders to go anywhere?

A Yes, sir, I did.

Q And at what time did you receive those orders, approximately?

A Eight o'clock, sir, eight a.m.

Q And from whom did you receive those, Pat?

A Captain Hauschild, sir.

Q Now, upon receiving those orders, where did you go?

A 28924 Lake Road, Bay Village, Ohio, sir.

Q And who was with you?

A Detective Schottke.

Q Now, about what time was it that you arrived at Bay Village?

A At about nine a.m., sir.

Q And did you go to the home of Sam Sheppard, I take it?

A Yes, sir.

Q Now, when you got there, who did you see?

A Dr. Gerber, sir, and some Bay Village police officers.

Q You went in the home?

A Yes, sir.

Q Now, without going into too great detail, describe what you saw in that home?

A We entered the front door of the home, sir, with Dr. Gerber, and we were immediately confronted with a hallway. And in this hallway there was a doctor's medical bag that was turned on end.

We passed the bag and went forward into the living room.

Q And generally, what did you see in there?

A My attention was directed to a secretary that was situated against the north wall, and the top of the secretary had been disarranged.

Two drawers had been pulled out and the contents were underneath them.

In the center of the floor, immediately in front of the secretary, there was a check book, I believe sales tax stamps and other writing material. The cover for this secretary, this desk-type secretary, was resting against an overstuffed chair.

We conferred there -- that's all, sir, as far as observation is concerned.

Q You went into the den that morning?

A That morning, yes, sir, I did.

Q And what did you see in the den, please?

A Immediately upon entering the den, I saw a red overstuffed chair. To the right of the chair was a desk. Behind this desk and to the east were two drawers, one piled upon the other.

In front of these drawers was a wastepaper basket. To the left of the wastepaper basket was a green box. To the left of the green box were tools, which consisted of a monkey wrench, screwdrivers -- or screwdriver, an open end wrench, shear pins.

Next to and in back of these tools was a swivel chair. In front of the swivel chair was a knee hole for the desk.

On top of these tools I noticed a lady's yellow gold wrist watch. To the left of the swivel chair were three other drawers, one immediately to the left that had the contents taken out of the drawer.

To the front and a small amount to the left was another drawer and to the front of that was another drawer.

On top of the desk we noticed pipes or a pipe rack that was in the center, and towards the rear of the desk. Next to that was an ashtray, other paraphenalia on top of the desk.

Q Did you go upstairs that morning, sir?

A Yes, sir.

Q And did you go into Marilyn Sheppard's bedroom?

A Yes, sir, I did.



Q In a general way, will you describe what you saw there?

A Immediately upon entering the bedroom I saw the body of a deceased white female.

Q Now, did you talk to any persons there that morning?

A Yes, sir.

Q And who did you speak to?

A I spoke with Dr. Gerber, Chief Eaton, Patrolman Drenkhan, Sergeant Hubach.

Q Now, after you were there at the home for a while, did you go somewhere, you and Schottke?

A Yes, sir.

Q And where did you go?

A We went to Bay View Hospital, sir.

Q And were you alone on that visit?

A Yes, sir.

Q About what time was that, please?

A Oh, about 11 o'clock in the morning, sir.

Q And did you talk to someone there?

A Yes, sir, we did.

Q And who did you talk to?

A Dr. Sheppard, sir, Dr. Sam Sheppard.

Q And you talked to him for some period of time?

A Yes, sir.

Q And about how long did that conversation take?

A I would say about 25 minutes, sir.

- Q And after that conversation, where did you go?
- A We went to the Bay Village Police Department, sir.
- Q And was Schottke with you at that time?
- A Yes, sir.
- Q And did you speak to someone there?
- A Yes, sir, we did.
- Q And who did you talk to there?
- A Sergeant Hubach, Chief Eaton and Patrolman Drenkhan.
- Q And where did you go to from there, please?
- A We got a sandwich then, sir.
- Q Now, did you return to the Sheppard home at any time after that?
- A Yes, sir, immediately after getting our sandwich.
- Q And what did you do at the Sheppard home?
- A After arriving at the Sheppard home, Detective Schottke and I parted. I started to search the grounds of the Sheppard home.
- Q And was there anyone else searching those grounds there also?
- A Yes, sir. There were numerous boys. I would say -- by numerous, eight to ten boys, sir, and Mr. Keefe from the Morgue.
- Q And what part of the grounds were those boys searching?
- A The bank, sir, immediately behind the house.
- Q That was on the north side of the house?

- A Yes, sir.
- Q Or north of the house, at least, isn't that correct?
- A Yes, sir.
- Q And what were you doing, if anything, in relation to these boys?
- A I was overseeing them, sir.
- Q And while you were there, was anything unusual found by any of the boys?
- A Yes, sir.
- Q And by whom was something found?
- A A boy whom I later learned to be Larry Houk handed me a green bag, sir.
- Q Showing you what is marked for identification as State's Exhibit 26, this green bag, have you ever seen that before, sir?
- A Yes, sir.
- Q And where have you seen that?
- A This is the bag that Larry Houk handed me
- Q And were there any contents in that bag, sir?
- A Yes, sir.
- Q And what was in that bag?
- A A wrist watch, a ring and a key chain, sir.
- Q Showing you what is marked for identification as State's Exhibit 26-A, do you recognize that watch, sir?
- A Yes, sir.

Q And when is the first time that you saw this watch, please?

A After looking in the bag after it was found by Larry Houk, sir.

Q Now, showing you what is marked for identification as State's Exhibit 26-B, will you look at that, please, and tell us if you recognize that?

A Yes.

Q And what is that, please?

A That is the ring that was found in the bag, sir.

Q showing you what is marked for identification as State's Exhibit 26-C, will you look at that, please, and tell us if you recognize it?

A Yes, sir.

Q And when did you first see that?

A I saw that after we had taken the bag up to the house, sir.

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Now, as this bag was first handed to you by Larry Houk, will you describe to the jury exactly what you did with it?

A I opened the bag up, sir, to look into it.

Q Then did you remove the contents, or exactly how did you look at the contents?

A Well, sir, I placed the bottom of the bag in my left hand, and opened the bag with my right hand, parted the top of it and lifted the jewelry up to the top of the bag, sir, and looked at it, and then took my hand away and the jewelry dropped down to the bottom of the bag.

Q Now, at that particular point did you see the watch?

A Yes, sir.

Q And what time did it say on that watch at that time?

A 4:15, sir.

Q And what time of the day was it when you made this observation?

A At about 1:30, twenty minutes to 2, somewhere in there, sir.

Q Now, was the top of this bag, referring to State's Exhibit No. 26, was that secured in any way at the time you first saw it?

A I don't remember it as being secured, sir.

Q Now, upon that bag being given to you, what did you do with it?

A I called my partner, Detective Schottke, sir.

Q And you spoke with him, did you?

A Yes, sir.

Q And then what did you do?

A Detective Schottke and I took the bag upstairs, up into the house.

Q And what happened there, please?

A We called the attention of Dr. Gerber, sir.

Q Did you do something to the bag there?

A Yes, sir. Dr. Gerber took the bag and emptied the contents of the bag onto the dining room table.

Q And did you observe the contents of the bag in greater detail at that point?

A Yes, sir, we did.

Q And what time did it say on the watch at that time, referring to State's Exhibit 26-A?

A The same time, sir, as I recall.

Q 4:15?

A Yes, sir.

Q And how did you determine that that watch was stopped?

A I didn't determine that the watch was stopped when I looked at it on the dining room table, but when I initially looked at it, I looked at the sweep second hand, sir.

Q And what did you observe about that sweep hand?

A It was stationary, sir, it wasn't moving.

Q Now, did you do anything further there that day, sir?

A Yes, sir.

Q What was that, please?

A I returned down to the spot where the bag had been found, and I continued to search in that area or overseeing the search, and looking myself, and we didn't find anything, and later I went back up to the house.

Q Now, did you see a Detective Grabowski there at that time -- withdraw that.

Did you see Detective Grabowski there on the scene on the morning of the 4th of July?

A Yes, sir.

Q And what was he doing as you saw him?

A When I initially had seen Detective Grabowski, he was over by the secretary in the house and dusting for fingerprints, sir.

Q Did you go down to the beach at any time that morning?

A Yes, sir, I did.

Q At what time did you first go down to the beach?

A At about 9:30, sir.

Q And when you went down to the beach, were you alone?

A No, sir. I was not alone.

Q And who was with you, if anyone?

A One of the Bay Village policemen, sir.

Q ✓ What, if anything, did you see down at the beach?

A ✓ When I arrived there at the beach, sir, I saw a barefoot print in the sand, and also I saw another footprint of a shoe.

sir.

Q And what did you do when you observed this?

A ✓ I called Detective Grabowski down to the beach, sir.

Q And did you have some conversation with Grabowski?

A Yes, sir.

Q And did you ask him to do something for you?

A Yes, sir, I did.

Q And what did he do at that time, after your conversation with him?

A ✓ He took a picture, sir.

Q And of what did he take a picture?

A ✓ Of the footprint in the sand.

Q Was that done at your direction?

A Yes.

Q Showing you what is marked for identification as State's Exhibits 53 and 54, do you recognize the scene portrayed in those exhibits?

A Yes, sir.

Q And what do those pictures represent, please?

A It represents the scene of the beach that I had seen with the footprint on it, sir.

Q Now, you say that you did ask Officer Grabowski to make these pictures?

A Yes, sir.

Q Did you have a specific purpose in mind?



A Yes, sir.

Q For asking him to do that for you?

A Yes, sir, I did.

Q Now, would you state to the Court and jury what that was, please?

A Well, I had spoken to the Bay Village police --

MR. CORRIGAN: I object to what the specific purpose was in his mind.

THE COURT: Well, he had spoken to the Bay Village Police Department, no harm in that, but you may not tell what the conversation was.

THE WITNESS: Yes, sir.

Q You just tell us that you did speak to someone, is that correct?

A That's correct.

Q You say you spoke to members of the Bay Village Police Department?

A Yes, sir.

Q And with whom specifically did you speak?

A Sergeant Hubach, sir.

Q Continue.

A And Sergeant Hubach had told -- or had related --

MR. GARMONE: Objection.

Q Do not give us the conversation.

A Sergeant Hubach accompanied me on the beach, and it was determined --

MR. CORRIGAN: I object. Let's have a question.

THE COURT: You may say what you did.

MR. PARRINO: I will ask him the question again, your Honor.

Q What was the purpose that you had in mind as you asked Grabowski to take these two pictures for you?

MR. CORRIGAN: I object.

THE COURT: He may state what the purpose of the pictures was.

MR. CORRIGAN: That is mental.

That isn't a fact.

Q Go ahead, sir.

A I wanted to determine -- or I wanted to show that that particular footprint had been made sometime after 6:30 that morning, and if you look closer at the photograph you will see fresh footprints there, and these particular footprints -- or this footprint was caused by me, and I wanted to show --

MR. CORRIGAN: Object to what he wanted to show. Let's have the facts.

MR. GARMONE: The picture speaks for itself, and I think the jury has a right to conclude.

THE COURT: You may explain what you wanted to show.

A There was a comparison to be made here, sir, between the depth of the bare foot print and a footprint that was made by a shoe at that particular instant.

Q And was that your sole purpose in asking Grabowski to take that picture?

A Yes, sir.

Q Now, as to the other footprint represented in that picture, do you know whose those were?

A I know someone else that was on the beach there, sir, with me.

Q And who was that, please?

A Detective Grabowski and another member of the Bay Village Police Department, that I don't know by name.

MR. DANACEAU: If the Court please, just a moment. I want to object to this giggling and conversation. I heard what counsel said, and I suppose members of the jury heard what he said.

MR. PARRINO: Apparently Mr. Corrigan finds these proceedings rather amusing.

MR. DANACEAU: I heard distinctly what

he said, and I suppose that members of the jury heard it, also, and I object to this kind of conversation going on at the table while the testimony is going on.

THE COURT: Please let's have perfect attention to the witness only when he is testifying.

MR. CORRIGAN: May I inquire, your Honor, what counsel is complaining about?

MR. DANACEAU: Well, I heard him distinctly say in a giggling, laughing manner, "They were taking pictures of their own footprints."

MR. CORRIGAN: Well, now, you brought it out.

MR. DANACEAU: Oh, no, you made inquiry of it.

THE COURT: Mr. Corrigan, it is highly improper --

MR. CORRIGAN: I did not say anything to the jury, and I am sure the jury did not hear anything. I talked to Detective McArthur.

Didn't I, Detective?

MR. McARTHUR: I don't know who you were talking to.

THE COURT: Let's have perfect

quiet for the witness, please.

MR. PARRINO: Are you quite finished, Mr. Corrigan?

MR. CORRIGAN: No, I have nothing to say.

Q Now, did you do anything further there on the beach that morning, sir?

A Later on that morning I did, sir, but not at that particular time.

Q What, if anything, did you do?

A I searched the beach. I went up and down looking for different things.

Q Now, later that day did you leave the Sheppard home at any time with your partner?

A Yes, sir.

Q What time was that?

A At about 3 p.m.

Q And where did you go?

A Bay View Hospital, sir.

Q And what did you do there?

A We talked with Dr. Sheppard.

Q Who was present at that time?

A Dr. Sheppard, Detective Schottkw and Chief Eaton, sir.

Q Now, on the 4th of July, did you go through the Sheppard home at any time?

A Yes, sir.

Q And as you went through that home, did you see any T-shirts around the home anywhere, sir?

A Yes, sir.

Q What time was that?

A I saw one T-shirt --

Q No. What time was that, about?

A Oh, at about twenty after 9, sir.

Q In the morning?

A Yes.

Q Of course. And describe and tell us what you saw.

A It was in the -- I saw a terry cloth T-shirt in the -- on top of the clothes hamper in the bathroom, sir.

Q In the bathroom?

A Yes.

Q And did you examine that T-shirt?

A Yes, sir.

Q Was it white?

A No, sir.

Q What color was it?

A It was a combination of white and green, sir.

Q Was that a man's T-shirt or a child's T-shirt?

A No, sir. It was a child's T-shirt.

Q Did you see any other T-shirts in that home?

A Yes, sir.

Q In what part of the home?

A ✓ In the basement, sir.

Q When did you make that examination?

A ✓ At about 4 p.m., sir.

Q What did you see in the basement?

A ✓ I saw three white T-shirts, sir.

THE COURT:

Two what?

THE WITNESS:

Three white T-shirts.

Q And where in the basement were these three white T-shirts?

A ✓ They were in the room at the bottom of the stairway in a basket next to an ironing board.

Q Did you examine these, sir?

A Yes, sir.

Q What was the make of these three T-shirts?

A ✓ Two of them -- two of the white T-shirts were Haines brand, sir, and the other one was Wright's-Wear.

Q And how do you spell that?

A W-r-i-g-t -- or W-r-i-g-t-h-W-e-a-r. There is a hyphen in between the two words, sir. That's as far as I recall.

Q Wright's-Wear?

A Yes, sir.

Q And what was the size -- withdraw that.

Were all of these T-shirts of the same size, sir?

A Yes, sir.

Q ✓ What was the size of these three T-shirts?

A ✓ 38-40, sir.

Q Did you go into the garage at any time, Officer Gareau?

A Yes, sir.

Q What time of the day did you go into the garage?

A At about 5 p.m.

Q Did you make a search in the garage?

A Yes, sir.

Q What was in the garage, generally, as you first went into it?

A Two automobiles and a jeep, sir.

Q What kind of automobiles were they?

A A Lincoln Continental, a Jaguar.

Q And did you examine either of these cars?

A Yes, sir.

Q What did you do?

A I opened up the trunk of the Jaguar, sir.

Q Was that trunk locked or not locked?

A The trunk was not locked, sir.

Q Was it closed or not closed?

A It was closed, sir.

Q As you opened up the trunk of the Jaguar what, if anything, did you see?

A I saw the keys still in the trunk lock, sir.

Q What keys are you referring to?

A The keys that I found in the lock, sir, that was in the lock of the Jaguar trunk. There is a trunk lock and the handle



of the Jaguar --

Q I don't understand what you mean. Exactly where were these keys that you found?

A Well, there is a lock in the handle of the trunk of the Jaguar, and the key was inside of the lock in the handle.

Q Oh, I see. How many keys were there on that set of keys?

A Two, as I recall, sir.

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Q Did you open the trunk?

A Yes, sir.

Q And what, if anything, did you see in the trunk of that Jaguar?

A I saw a towel, I saw a jack handle and a jack and a dark brown leather bag.

Q And did you examine the contents of that bag?

A Yes, sir.

Q And what did you find?

A Two chrome plated wrenches, sir.

Q Anything further?

A No, sir.

Q Will you describe the bag that you saw in the trunk of the Jaguar?

A Yes, sir. It was a satchel-type bag in that you could grasp the two handles, which were leather, and you could pull the handles and the bag would open. The bag was approximately 12 by 5 or 6 inches wide.

Q Did you do anything further there at that home that day?

A Yes, sir. We continued searching the grounds.

Q Now, you have stated that on the afternoon of the 4th you did go to Bay View Hospital with Schottke and Chief Eaton and had some conversation with the defendant, Sam Sheppard, is that correct?

A Yes, sir.

Q And approximately how long did that conversation take?

A Probably 30 minutes, sir.

Q And after that conversation, where did you go?

A We returned to the Sheppard home, sir.

Q What time did you finish your work there on the Sheppard case that day?

A At about six o'clock that evening, sir.

Q Did you work on the same investigation the next day, sir?

A Yes, sir.

Q And at other times following that, did you?

A Yes, sir.

MR. PARRINO: You may inquire.

MR. GARMONE: We have no questions  
of this witness.

MR. PARRINO: That is all, Pat.

(Witness excused.)

Thereupon, the State, further to maintain the issues on its part to be maintained, called as a witness JEROME POELKING, who, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION OF JEROME POELKING

By Mr. Parrino:

Q State your name?

A Jerome Poelking.

Q Where do you live?

A 1339 Brainard Road, Lyndhurst.

Q What is your occupation?

A I am employed by the City of Cleveland in the Detective Bureau, Scientific Identification Unit.

Q How long have you been a member of the Cleveland Police Department?

A Oh, 12 years.

Q How long have you been a member of the Bureau of Scientific Identification?

A Seven years.

Q And do you have certain specific duties in that Bureau?

A Yes, sir, I do.

Q And of what do those duties consist?

A I examine latent fingerprints that are obtained at different

crime scenes and compare them against ink impressions on file at our Bureau to try to make an identification.

Q And what training have you received for that particular work, Jerry?

A I am a graduate of the Federal Bureau of Investigation Fingerprint School and --

Q When was that?

A That was in '47, 1947.

Q Continue.

A And I spent approximately two years -- three years under the older men in the Bureau in practical experience, seven years' practical experience, and then by contact and association with other identification units, and by reading books and magazines, articles on the subject.

Q And have you made identifications of fingerprints and palm prints at scenes of burglaries at any time in your career, sir?

A Yes, I have.

Q And a great number of times, I take it, in the last several years?

A Yes, I have.

Q Now, what are the facilities that your Bureau has for performing work of that kind?

A Well, we have magnifying glasses and different powders, and things of that nature, to bring out latent prints at

the scene of a crime, and then by bringing these latent prints into the office and comparing them through our magnifying glasses, it is possible to make an identification.

Q. I see. Now, either on July 4th or a short time after July 4th, did you have some conversation with Detective Mike Grabowski?

A. Yes, I did.

Q. And was that in relation to the investigation of the death of Marilyn Sheppard?

A. Yes, it was.

MR. PARRINO: Will you mark this,  
please?

(State's Exhibit 55,  
being a palm print, was  
marked for identification.)

Q. Now, Officer Poelking, showing you what is marked for identification as State's Exhibit 55, have you ever seen that before?

A. Yes, I have.

Q. Tell us what that is?

A. This is a photograph of a latent palm print.

Q. And when did you see that for the first time?

THE COURT: Photograph of  
what?

THE WITNESS: Of a latent palm  
print.

Q When did you see that for the first time?

A That was on the 5th, July 5th.

Q And where did you see it?

A At Central Station.

Q Now, in the course of the investigation what, if anything, did you do or have done relative to palm prints?

A In this case?

Q Yes.

A I went to Bay Village and I fingerprinted neighbors, friends of the Sheppard family.

Q Name some of those people, please?

A The Critchfields, the Paines, the Schueles, Larry Houk, the Bruschino boy and --

Q The Aherns?

A I didn't take the Aherns' prints. That was done by another man.

Q You had someone do that for you?

A Yes.

Q Anyone else?

A That I did myself?

Q Yes.

A Yes, there were a great number of them.

Q Members of the Sheppard family?

A I didn't print the members of the Sheppard family, except Chip.

Q I see. But did you have prints of members of the Sheppard family brought to you?

A Yes, I did.

Q And whose prints did those include, please?

A Dr. Sam Sheppard, Dr. Richard Sheppard, Dr. Steve Sheppard and their wives.

Q And did you have the prints of various members of the Police Department brought to you?

A Yes, I did.

Q And ultimately, were you able to match the print shown in State's Exhibit No. 55?

A Yes, I was.

Q And on what day did you do that, sir?

A That was on August 17th.

Q And what did you do on August 17th?

A On August 17th, I received permission to go out to Dr. Steve's home and take Chip's palm print.

Q And did you do that?

A Yes, I did.

Q Did you take Chip's palm print?

A Yes, I did.

Q And upon taking Chip's -- withdraw that.

Exactly how do you take a palm print of an individual?

A Well, we have a hard rubber roller, and we apply some fingerprint ink to a piece of paper or glass and roll the



blot of ink out so it makes a fairly even film on the paper or the glass, and then by rolling -- after this thin layer has been spread on the roller, you roll it on the person's palm, up and down so the whole palm is covered, and then you take and starting at the heel you press forward on the fingers, and that way get their palm print.

Q And that is what you did with the boy, Chip, of course?

A Yes.

Q Now, after obtaining that print of the boy, you took it to your police headquarters, I take it?

A Yes, that's right.

Q And what did you do there?

A I compared it with this State's Exhibit 55, this latent palm print, brought in by Detective Grabowski.

Q And will you describe the manner in which you made that comparison?

A Well, here's --

Q Describe how you compare prints?

A Well, first of all you go according to the pattern, try to ascertain what type of pattern is in the print, in the latent print, and then after you have decided the approximate location of that pattern in the palm print, you compare it with the area on the inked impression with the latent print and --

Q Now, referring to State's Exhibit No. 55, the photograph that was taken by Grabowski, was this the print of a full palm?

A No, it's just a portion of a palm.

Q I see. Continue.

A And by checking the flow of lines and the pattern, I was able to ascertain that it came from what is known as the hypothenar of the palm.

Q Of what hand?

A The left palm.

Q And will you take your hand, please, and show the jury the area in which you were able to match State's Exhibit 55 with Chip's palm print?

A This lower portion in here, about the bottom quarter of the palm.

the 21 Q I see. Now, upon making this examination of State's  
g Exhibit 55 with the palm print of Chip that you obtained,  
did you come to some conclusion, sir?

A Yes, I did.

Q And what conclusion did you come to?

A They were identical.

MR. PARRINO: I wish to offer  
State's Exhibit No. 55.

MR. GARMONE: May we see the card  
that he is making the comparison with?

Q Are these both hands?

A They are both hands.

MR. PARRINO: Mark these 56-A  
and 56-B.

(State's Exhibit 56-A and  
56-B, being palm prints,  
were marked for iden-  
tification.)

Q Now, showing you what is marked for identification as  
State's Exhibit A and State's Exhibit B, do you recognize  
those, sir?

THE COURT: What is the number?

Q State's Exhibit 56-A and 56-B, do you recognize those?

A Yes.

Q And what are they, please?

A They are the inked impression of Chip's palm print, left

and right palm print.

MR. PARRINO:

I wish to offer

State's Exhibit 55, 56-A and 56-B.

THE COURT:

They will be received.

(State's Exhibits 55, 56-A  
and 56-B were offered and  
received in evidence.)

Q Now, did you go to the Sheppard home at any time, Officer  
Poelking?

A Yes, I did.

Q And when did you go there?

A The first time I was there was July 23.

Q Was that after the Cleveland Police Department officially  
came into the investigation?

A That's correct.

Q And at what time of the day was it that you went there on  
the 3rd?

A It was approximately 8:30 in the morning.

Q Tell us what you did there that day?

A Well, I arrived at the scene, and I examined Marilyn's  
bedroom where the body --

Q Were you alone when you went there?

A No.

Q Who was with you, if anyone?

A You mean from the station?

Q Yes. Police officers.

- A There was Detective Dombrowski, Detective Ruble, Detective O'Hara was on the scene, Detective Naso was on the scene.
- Q And who are Detectives Ruble and Dombrowski?
- A They are two members of the laboratory team.
- Q They work in the same unit that you work in, is that correct?
- A That's correct.
- Q And Detectives O'Hara and Naso, who are they?
- A They are -- Detective O'Hara is a member of the Homicide Squad, and Detective Naso is a member of the Detective Bureau, and he was assigned to the Homicide Unit for the time being.
- Q Now, did you go into the room of Marilyn Sheppard?
- A Yes, I did.
- Q And did you make an examination of her bed at any point?
- A Yes, I did.
- Q And what examination did you make?
- A I made a fingerprint examination, examined it for latent fingerprints.
- Q What parts of the bed did you examine?
- A I examined the complete bed, that is, the headboard, the posts, the rail at the bottom, and the head board.
- Q And how did you do that?
- A By dusting it with a fingerprint powder.
- Q And describe to the jury the manner in which you did that--
- in which you dusted that bed with powder.

A Well, I had a two-inch camel hair brush, and by applying a thin coating of the powder to the brush and then applying this powder to the bed, I was able to -- if there is a latent print on the bed, or on any object which you are examining, the powder will adhere to the ridges of the fingerprint or palm print, whatever the case may be.

Q Now, as you examined that bed did you find anything, sir?

A Yes, I did.

Q On what portion of the bed did you find something?

A On the headboard.

Q And whereabouts on the headboard?

A Well, it was 10 inches from the right side of the bed. That is considering that would be the east -- from the east -- the eastern side of the bed.

Q Now, what, if anything, did you find?

A Well, I found a latent fingerprint.

Q Now, what did you do when you found that?

A I took a photograph of it.

Q How did you do that?

A We have what we call a fingerprint camera, a fixed focus camera, and it is made especially for fingerprint work. It does not distort the print. It keeps the print the same size. It is not like a 4 by 5 camera, a Graflex camera. It is made just for fingerprints, and it does not make the print larger or smaller. It is the same identical size.

Q Now, after you took that photograph what did you do?

A I repowdered it with black powder, and then made a lift of the latent print.

Q When you say you made a lift, what do you mean by that?

A Well, I repowdered with a black powder, and in that way the ridges that were white, the black powder adhered to the white ridges and it became black, and I used a fingerprint lifting tape, it is like similar to Scotch tape. It is a cellulose tape. It is transparent.

Q Will you describe to the jury how you use that cellulose tape?

A It is about an inch and a half wide, and it comes in a regular roll, and when you develop a latent print with your powder you cut off a portion of your tape and apply it to the print, and as you pick it up the powder adheres to the tape, and you put it down on a white card, and then you have your contrast, the black on the white, and the tape is transparent and you can see through it.

Q After you placed this tape, then, against that bed you removed the tape, is that correct?

A That's correct.

Q And what did you do with that tape after you removed it?

A I placed it on a latent fingerprint card. It is a special card we have for the mounting of latent prints.

Q Now, did you take that back to the Scientific Identification Bureau?

A Yes, I did.

Q Did you make a comparison of that print with any other prints at any time?

A Yes, I did.

Q And when did you begin making those comparisons?

A That was -- let's see -- on August the 3rd. August 3.

Q What comparison did you make?

A I compared them with Dr. Sam Sheppard's prints.

Q Had you taken Dr. Sam Sheppard's prints?

A I didn't take them, no.

Q And where did you get Dr. Sam Sheppard's prints?

A They were turned over to me by Detective Ruble.

Q Who is he, please?

A He is attached to the Fingerprint Division of the Scientific Bureau.

Q Will you describe to the jury what comparison you made?

A I compared the prints of Dr. Sam Sheppard with the latent print just mentioned, and I found that the left thumb of Sam Sheppard was identical with this latent print found at the headboard.

Q Now, you say that this print that you found at the headboard was 10 inches from the top?

A No. One inch from the top and 10 inches from the right



side of the bed, that is, if you were lying on the bed it would be your right side.

Q You stated, of course, did you not, that you removed that print on the 23rd of August, did you not?

A 23rd of July.

Q 23rd of July. I'm sorry. Is that the date?

A The latent print from the bed?

Q Yes.

A It was on the 23rd of July.

Q Fine.

MR. PARRINO: You may inquire.

CROSS EXAMINATION OF JEROME POELKING

By Mr. Corrigan:

Q Mr. Poelking, was that the only place that you examined, the bed?

A No, sir, it is not.

Q What other places did you go to in the house?

A I examined the doors on that same room.

Q What?

A I examined the closet doors and the door leading into the room and the framework around the door.

Q Did you examine the inside of the door?

A On the inside of the door?

Q Yes.

A Yes, I did.

Q Inside of the closet door?

A Yes, sir, I did.

Q Did you examine the jamb inside the closet door?

A No, I didn't.

Q Did you make a report of what examination you made?

A Yes, I did.

Q Do you have it with you?

A No, I haven't.

Q Can I see it?

A I haven't it with me, right now. I don't have it with me.

Q Can you bring it over so I can look at it?

A I don't have it with me, no.

Q Well, you did look at it before you came over here, didn't you?

A The report?

Q Yes.

A No, I didn't.

Q Well, you refreshed your recollection, didn't you?

A No, I didn't.

Q Did you just remember all this without looking at your report from --

A I have notes.

Q Well, you looked at your notes?

A That's right.

Q That would be the normal thing to do before you testify?

A That is correct.

Q You looked at your notes?

A Right.

Q And your notes show what you examined?

A Yes, sir.

Q Now, can I have your notes?

A They are over at the office.

Q Will you bring them over tomorrow?

A I sure will.

Q Now, the first connection you had with it, Mr. Poelking, as I understand it, was the presentation to you of a fingerprint that was -- or of a palm print that was taken by Mr. Grabowski?

A That's right.

Q And that was along sometime in the early part of July?

A That's right.

Q Now, was that handed to you by Detective Grabowski, or how did it come to your attention?

A Mr. Grabowski gave it to me.

Q And Mr. Grabowski himself is a capable fingerprint man, isn't he?

A Yes.

Q The lines -- when you examined this, -- you have microscopes over there, haven't you, for the purpose of making an

examination?

A We have magnifying glasses for fingerprint work, yes.

Q They are powerful magnifying glasses?

A They will magnify four to five times, I would say.

Q Do you have the magnifying glass that has the deep penetration?

A Are you speaking of a microscope or a magnifying glass?

Q No. I am speaking of a magnifying glass that has a deep penetration of the picture so that all the details of the picture are brought out, or of the fingerprint.

A Well, this glass that we have magnifies four and a half, five times, and it is sufficiently strong to bring out all points necessary to make an identification.

Q You don't have to have any stronger magnifying glass than that in your business in order to make a proper identification of a fingerprint or a palm print?

A That is correct.

Q Now, then, sometimes the fingerprint is blurred, is it not?

A The latent print, you mean? You mean the print found at different crime scenes? Is that what you are speaking of now?

Q I don't understand the word "latent." How do you use that word in your language?

A It is a -- the meaning is -- it actually means hidden, and by that I mean that is the term they use for fingerprint work. Latent print, prints found at the scene of a crime oftentimes you will find a print, they call it a latent

print, but I mean you can see it without dusting. You can see it with the naked eye.

Q But there are methods, are there not -- I will withdraw that.

If I take a piece of glass like that, and now lay my hand down there on it, and the sweat, and so forth, attaches to the glass, you can see that readily?

A Sure, yes.

Q Now, there are also fingerprints that are hidden, that are only brought out by using -- you using your skill in discovering them?

A That is correct.

Q That is, the ordinary person and you wouldn't be able to distinguish them, but by using skill developed in the fingerprint science you can bring out fingerprints that are not discoverable by just looking at the surface or by ordinary light, or by the use of a magnifying glass?

A Well, it all depends on what type of surface it is.

Q Well, let's take the most favorable kind of surface.

A The most favorable kind of surface?

Q Yes.

A It all depends on the amount of pressure and --

Q Yes. Well, what I am trying to develop, Mr. Poelking, through your testimony is that you can develop, and the science of developing fingerprints has been developed to

the point where you can develop hidden fingerprints?

A That is right.

Q Now, in your development of your knowledge of this subject, when you look at this exhibit of this hand and this palm, could you not tell that it was a child's palm?

A Not necessarily.

Q Well, aren't you able to tell in your knowledge of this subject the difference between the palm of a child and the palm of an adult?

A Not all the time.

Q What?

A Not all the time, no.

Q Sometimes you can?

A You can guess at it.

NS: Q Well, can you guess at it?  
m  
th -O A You can guess at this, yes.

Q And as you look at that, you know that it demonstrates to you the palm of a child?

A No, I didn't.

Q You didn't. That was the only fingerprint that was brought in the office of the Cleveland Police Department, that palm print, that you saw?

A When? Do you mean on the 4th?

Q Before you went out. I understand you went out on the 23rd of July?

A That's correct.

Q That was the only one that was brought in there?

A That's right.

Q Now, then, did you do some fingerprinting in the vicinity of the Sheppard home?

A Yes, I did.

Q And how many people did you fingerprint?

A Oh, all together, including the other men that went out there?

Q Yes.

A There were 46 people palm printed, a total of 92 prints.

Q 92 prints were made about the neighborhood. Were you at Dr. Sheppard's home on the Friday following the 4th of July?

A No, I wasn't.

Q Do you know that there was some member of your department that was there on Friday following the 4th of July and made some prints?

A I know one of our men went out there. I don't know the exact date.

Q Do you know who he was?

A Detective Norman Ruble.

Q And he made some prints of the Sheppard family?

A That's correct.

Q Did you know that Chip, the little boy, was there at the time Mr. Ruble was there?

A No, I didn't know that.

Q You did not know that?

A No, sir.

Q But, anyway, you kept taking fingerprints until the 17th day of August, when you took the fingerprint of -- or the palm print of Chip, the little boy?

A That's right.

Q Now, this Exhibit 56-B and 56-A show both the left hand and the right hand of Chip?

A That's right.

Q This 55 is A -- funny, I can't think of that word.

THE COURT: It's a photograph.

Q An enlargement? I couldn't think of that word.



A State's Exhibit 55?

Q Yes. Is it an enlargement?

A No. That's the actual size.

Q That is the actual size?

A That is correct.

Q Now, which is this, the right or the left palm?

A The left palm.

Q And which of these pictures is the left palm?

A 56-A.

Q Now, the only reason I ask if it is an enlargement, it seems so much bigger than your picture.

A No. It's the same size.

Q What?

A It's the same size.

THE COURT: Speak a little  
louder, please.

THE WITNESS: It's the same  
size.

Q It's the same size?

A Yes, sir.

Q Well, now, will you indicate on this left palm what part of 55 is shown on 56? Can we use a pencil? Could you mark it out with a pencil?

MR. DANACEAU: If the Court  
please, we object to any marking out. He

has shown the jury, he can direct it again.  
He can show the jury the portion without  
marking anything on the exhibit.

THE COURT: I don't know  
that there would be any serious injury in  
marking the portion that is photographed.

MR. DANACEAU: All right, then.

Q Will you do that, Mr. Poelking.

A Mark the photograph?

Q Yes, mark this photograph.

A This isn't a photograph. This is the actual ink impression.

MR. MAHON: Is that the  
original?

THE WITNESS: This is the  
original.

MR. MAHON: We object to  
marking the original.

THE WITNESS: This is not a  
photograph, this is the original inked impression.

MR. DANACEAU: We object to marking  
the original. We will agree to have a photostatic  
of that and then have it marked on that.

MR. CORRIGAN: What's the  
difference? We are going to use it again -

MR. DANACEAU: We don't want

any of this argument. Those are permanent records, and we object to them being marked.

THE COURT: Just a minute, gentlemen. Let me get clear what we have marked here.

Do I understand that that small picture that we have over here, 55 I think the number is, is a photograph of part of this?

THE WITNESS: No. This is the photograph found at the scene -- this is the print found at the scene, photograph of the print found at the scene.

THE COURT: And it has nothing to do with this?

THE WITNESS: Oh, yes.

THE COURT: All right.

THE WITNESS: This is Chip's palm print. I made an inked impression of his palm print and I compared it with this latent impression, the impression found out at the scene, and I found this to be identical with Chip's.

MR. CORRIGAN: Now, what I want marked, your Honor, so that I can make a proper examination of it, is what part of the --

THE COURT: 56-A shows 55?

MR. CORRIGAN: No. What part  
of 55 is shown on 56-A.

Now, can we mark that?

THE COURT: I see no  
objection, Mr. Danaceau.

MR. DANACEAU: We can have a  
photo of that original record, and then mark  
it on the photo. That is the original palm  
print, that is not a copy of it. That's the  
original.

MR. GARMONE: He is not  
destroying it in any way.

MR. DANACEAU: He certainly is  
defacing it by putting a mark on it.

MR. GARMONE: He is only going  
to mark that portion that represents 55.

MR. DANACEAU: Whatever mark is  
put on that original palm print -- that is not  
a photo of it, that is an original palm print --  
will deface it.

MR. CORRIGAN: What difference  
will it make?

THE COURT: When we get through,  
we will get to the business.

If you now make some pencil markings on this original, could you erase them out without any showing whatever later?

THE WITNESS: I don't know as I could erase them. I wouldn't want to touch the inked impression with an eraser.

THE COURT: This is an original police record?

THE WITNESS: Yes.

THE COURT: Well, I think, Mr. Corrigan, we ought to have a photostatic copy of it.

Q Have you got a photograph of it?

A I can have one made.

Q All right. You bring that over tomorrow and you can mark the photograph.

Now, Mr. Poelking, I asked you to bring tomorrow your notes so that I can check just what places you went in the house on the 23rd day of July.

A I went completely through the house.

Q You went completely through the house on the 23rd day of July?

A That's correct.

Q Now, as I understand it, this palm print that we now have in Court and which we were discussing, was taken on the

17th day of August?

A Chip's palm print?

Q Yes.

A That's right.

Q And part of that time you and a number of other men had been going around through Bay Village taking palm prints of a number of people?

A That is correct.

Q Now, the 23rd day of July, or that, you say, was the time that the Cleveland Police Department took over the investigation?

A Yes.

Q And how do you know that they took over the investigation at that time?

A I was instructed to go out there, out to the Bay Village residence of Dr. Sheppard.

Q Was there some meeting that you attended or you were aware of?

A No.

Q Whereby the Cleveland Police Department took charge of the investigation?

A No, sir.

Q There was not?

A Not that I know of.

Q You had received your instructions from whom?

A Inspector McArthur.

Q Now, in the Detective Bureau, besides fingerprint --  
do you do any work besides the fingerprint work?

A I compare the latent prints; I look for latent prints;  
I take photographs of crime scenes.

Q But your work pretty much is confined to that particular  
branch of the scientific investigation, is that so?

A That's right.

Q Now, you have other branches of scientific investigation  
up there, do you not?

A That's right.

Q And what are they?

A The laboratory, they have to do with the chemical analysis  
of different things.

Q Yes.

A And we have the photographic laboratory. They've the  
developing of the photographs and the printing of the  
photographs.

And then the men that handle the prisoners as they  
are brought in, photograph and fingerprint the prisoners,  
take down their physical description, and things of that  
nature.

Q Now, on the 23rd, when you went there in the morning, did  
you make any photographs of the blood stains on the wall?

A Not on the 23rd, no.

Q Did you at any time?

A Yes, I did.

Q And when did you make the photographs of the blood stains on the wall?

A That was approximately the 6th of August.

Q And do you have those photographs?

A I don't have them with me, no.

Q Will you bring them to Court?

A Yes, sir.

Q Did you make any analysis of the blood stains on the wall?

A That's not my job.

Q You did not, then?

A No, sir.

Q Do you know how to analyze a blood spot on the wall?

A No, sir.

Q As to its origin?

A No, sir.

Q The speed with which it hit the wall?

A No, sir.

Q And the angle it hit the wall?

A No, sir.

Q You do not. All right. Now, then, when you made an examination for fingerprints on the 23rd day of July, of course a great many people had been in and out of that house, you knew that, didn't you?



A No, I didn't.

Q You didn't?

A No.

Q Didn't you have any information about the fact that during the week succeeding, especially on the day of the murder, there had been a great many people in and out of that house?

A No, I didn't. I wasn't at the scene.

Q But I say, did you have that information as a detective before you went out there?

A No, I didn't.

Q As to who had been in and out?

A No, I didn't know who was in and out.

Q Did you know that it had been occupied continuously from the time of the murder down until you went out there by police officers?

A No, I didn't.

Q You did not?

A No, sir.

Q The only fingerprint that you thought of any importance or that you discovered of any importance, was the fingerprint on the bed, of Sam Sheppard?

A That's right.

Q Of course -- did you find his fingerprint on any other parts of the room?

A No, I did not.

Q Just one fingerprint on the bed?

A That's right.

Q What other part of the room did you examine besides the bed?

A I examined the closet door, the bedroom door, the door in the west bedroom that is adjacent --

Q Wait until I find the west bedroom. Was that Chip's room?

A No.

Q The west bedroom, yes, that would be the one towards Elyria?

A That's correct.

That's just at the top of the stairs to the left as you are coming up.

Q As you go up to the top of the stairs, you go to the left?

A As you come up the stairs.

Q Did you examine that door?

A I examined that door and that door frame.

Q And did you examine anything else besides the door and that door frame?

A No, I did not.

Q And at the top of the stairs you examined the door frame entering into the room?

A Yes, sir, I did.

Q And how much of that door frame did you examine?

A The complete frame.

Q That is, the top of it?

A Yes, sir.

Q Well, you didn't expect to find any fingerprints up on top, did you?

MR. DANACEAU: Objection.

Q But you did examine the top of the frame?

A Yes, I did.

Q And both the inside and the outside of the door?

A Yes, I did.

Q Did you examine the knob of the door?

A No, I did not.

Q You had no information about anybody touching that knob and closing the door prior to you going out there?

A No, I did not.

Q And as I understand, you did not examine the jamb inside the closet door?

A That's right.

Q Did you examine the closet door in the west bedroom?

A No, I didn't.

Q Did you examine the inside of the closet door in the west bedroom?

A In the west bedroom?

Q Yes.

A No, I didn't.

Q Did you examine the closet doors in any other part of the house upstairs?

A No, I didn't.

Q Except the closet door in the bedroom?

A That's right.

Q In Marilyn's bedroom. Was anything brought to you, Mr. Poelking, by the Police Department of the City of Cleveland or by anybody else to examine for fingerprints? Was anything brought to you?

A No, there wasn't.

Q There was not. Now, if I get it correctly, your examination as an expert consisted of taking some fingerprints, palm prints in Bay Village, of taking the impression of Chip's hand, is that right?

A That's right.

Q ✓ And of going there on July 23rd and making an examination of the frame of the door of the bedroom, the door of the bedroom, the door of the closet and the beds in the bedroom, and the door -- or the frame of the west bedroom, is that correct?

A ✓ That's right.

Q ✓ Now, have I repeated oompletely what you have done in your examination?

A ✓ Examination for fingerprints, yes.

Q ✓ And you examined nothing else?

A No, sir.

MR. CORRIGAN: Now, I think that what the balance of my examination of Mr. Poelking will be will consist of some examination about that palm print and the Exhibit 55, and I want to excuse him at this time until he can return with those, your Honor.

THE COURT: All right. That is all we need from you today. You bring those in the morning.

THE WITNESS: All right, your Honor.

MR. CORRIGAN: If the Court please, I would like Mr. Drenkhan recalled to the court room.

THE COURT: Sir?

MR. CORRIGAN: Mr. Drenkhan.

MR. GARMONE: We would like to recall Mr. Drenkhan, not today but --

THE COURT: The patrolman, you mean?

MR. GARMONE: Yes. We don't mean today.

THE COURT: You mean you want

to re-examine him?

MR. CORRIGAN: I wan to re-examine him on something that is entirely new that wasn't touched on.

THE COURT: All right. When do you want him?

MR. CORRIGAN: Any time.

MR. GARMONE: At the Court's convenience.

MR. CORRIGAN: At the Court's convenience or the Prosecutor's convenience. He is their witness, your Honor.

THE COURT: Let the Prosecutor take care of that so that he will fit in with the other witnesses.

MR. PARRINO: We will call him tonight, Judge.

THE COURT: Have you an idea as to how long you will take with Mr. Drenkhan? That may have something to do with the time.

MR. CORRIGAN: I haven't. I have something that I consider important to ask him, and I want to examine him --

THE COURT: Will it take an hour or a half a day?

MR. CORRIGAN: Oh, no, no.

It might be 15 minutes at the most. It will not be a very long examination.

THE COURT: Will you make that arrangement or will the Court make it?

MR. MAHON: We will call him, Judge.

MR. PARRINO: We will call him.

THE COURT: Can you do something more this afternoon, gentlemen?

MR. MAHON: I don't think so.

THE COURT: Ladies and gentlemen of the jury, it works out every afternoon that we must leave early.

We will now be adjourned until 9:15 tomorrow morning without any formality whatever. Please do not discuss this case in the meantime.

(Thereupon, at 4:15 o'clock, p.m., an adjournment was taken until 9:15 o'clock, a.m., Wednesday, November 24, 1954.)

- - - -

Wednesday Morning Session, November 24, 1954, 9:15 a.m.

Thereupon JEROME POELKING resumed the stand and testified further as follows:

CROSS-EXAMINATION OF JEROME POELKING (CONTINUED)

By Mr. Corrigan:

Q Were you able to make the picture, Mr. Poelking?

A Sir?

Q Were you able to make the picture?

A Yes, sir.

MR. CORRIGAN:

Will you mark

that, please?

(Defendant's Exhibit UU, being a photograph, was marked for identification.)

Q We will call that Defendant's Exhibit UU, Mr. Poelking. Comparing that to State's Exhibit 55, is Defendant's Exhibit UU the same portion of the hand as is shown on State's Exhibit 55?

A The same portion of the hand in State's Exhibit 55 is included in Defendant's Exhibit UU.

Q Is there more of the child's hand shown on Defendant's Exhibit UU than there is on State's Exhibit 55?

A Yes, there is.

Q Now, will you mark out with a pencil just the portion of



the hand that compares with the portion of the hand that is on State's Exhibit 55? Mark that out on State's Exhibit UU.

MR. MAHON: Defense Exhibit UU.

MR. DANACEAU: Defense Exhibit UU.

Q On Defense Exhibit UU. Will you do that with a pencil?

A In pen.

Q In pen, that's all right. Just so that I have it marked.

(Witness complies with request.)

Q Now, you have drawn an ink mark around the part of the palm that is shown on State's Exhibit 55?

A Yes.

Q Let me put it so we have it correct. You have drawn on Defendant's Exhibit UU the part of the boy's palm that is shown on State's Exhibit 55?

A That's right.

Q Now, looking at State's Exhibit UU and State's Exhibit 55 --

MR. MAHON: That's Defense  
Exhibit UU.

Q Defense Exhibit UU and State's Exhibit 55, the State's Exhibit 55 shows a much larger area than you have shown on Defense Exhibit UU, is that not true?

A No, sir. The palmar area is the same, approximately the same. This photograph may show more area of the desk than shown there, but the palmar surface there --

MR. CORRIGAN: I just want to  
show this to the jury, State's Exhibit UU --

MR. DANACEAU: Defense Exhibit UU.

MR. CORRIGAN: -- Defense Exhibit  
UU and State's Exhibit 55.

(State's Exhibit 55 and Defendant's Exhibit UU  
was passed among the jury.)

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Now, referring to Defendant's Exhibit UU, that is a good clear picture, isn't it?

A Yes, it is.

Q And you can see the ridges in that picture by the naked eye?

A Yes.

Q You can almost count them without using a microscope?

A Yes.

Q Now, State's Exhibit 55 is somewhat blurred, isn't it?

A No, it is not. The lines -- the ridge lines are not blurred.

Q There isn't any comparison between State's Exhibit 55 and Defendant's Exhibit 52 in relation to the clearness of the two pictures, is there?

MR. MAHON: Defendant's Exhibit UU.

MR. CORRIGAN: Defendant's Exhibit UU.

Well, I guess everybody understands by now what I am talking about.

A There is no comparison, did you say?

Q One is clearer than the other, let's put it that way.

A No, I wouldn't say that.

Q Well, now, look at them both together and tell me if one isn't clearer than the other?

A No.

Q They are both the same?

A They are not both the same. One is a darker -- State's

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Exhibit 55 is a little lighter, but it is just as clear.

Q It is just as clear?

A To me it is.

Q That is what you said?

A Yes, sir.

MR. PARRINO: To him it is,  
he said.

Q To him. But is it to the ordinary eye?

MR. MAHON: Well, how would he  
know what it would be to the ordinary eye?

MR. CORRIGAN: Well, the jury  
has looked at it. I will pass it.

Q Now, this is true, Mr. Poelking, as a handwriting expert,  
you can tell the difference between the palm print of a  
child and the palm print of an adult, can't you?

MR. MAHON: I object to that.  
He is not a handwriting expert.

THE COURT: He hasn't qualified  
as a handwriting expert.

MR. CORRIGAN: I beg your pardon.

THE COURT: Fingerprinting expert,  
you mean.

MR. CORRIGAN: Yes. I used the  
wrong word.

Q As a fingerprint expert, you can tell -- you are a finger-

print expert, are you not?

A Yes, sir.

Q You can tell the difference between the palm print of a child and a palm print of an adult, can't you?

A You mean the complete palm print or just a portion?

Q Well, let me say the complete palm print.

A Not all the time.

Q You cannot. Isn't it a fact that in your expert business that you know that the ridges -- and when I talk about the ridges, that is what you count, the friction ridges, isn't it?

A The friction ridges, that's correct.

Q And those are those lines that we can all see on our hand?

A That's right.

Q And those friction ridges are -- they have a different pattern -- everybody has a different pattern?

A Different pattern?

Q Yes.

A There are no fingerprints or palm prints identical.

Q That's what I mean. And on those ridges, what you call friction ridges, the ridges that touch the surface, there are pores, are there not?

A Yes, sir, there are.

Q Many thousands of pores?

A Yes, sir, there are pores.

Q And those pores that are in the friction ridges create a separate pattern also, don't they?

A The pores themselves have a distinct pattern of their own.

Q That is, as a fingerprint expert there are at least two things that you consider in determining a fingerprint: The ridges, the circles, and so forth, and the pores that are in the surface, is that right?

A I don't -- in examining a latent print, fingerprint? For what purpose?

Q Well, when you examine a fingerprint there are two separate patterns that are distinct in every person's finger; the ridges, that is distinct, isn't it?

A That's right.

Q And the pores that are in the ridges are distinct?

A That's right.

Q Now, then, when you get a part of a palm print, for instance, if you would get part of my palm print here, you could tell, could you not, that that was the palm print of an adult?

A Just a portion?

Q Yes. The portion.

A Not all the time you can't.

Q Well, could you sometimes?

A Sometimes, yes.

Q And if you get the palm print of a child, there is a

distinct difference, for instance, in the palm print -- or the part of a palm print of a six-year-old child and the palm print of a man of my age, about 80? Oh, no. Past 60.

A Well, in an adult, the friction ridges sometimes are larger. It all depends on the type of work that the person does. Occupation has a lot to do with it, and if the person is a large person, they might have larger ridges and more space between them.

In the child you usually find that there is less space between the ridges, but sometimes in an adult female with a small hand, it would be very difficult to determine whether it was a child or an adult.

Q Well, in a child the ridges are closer together, are they not?

A Oftentimes, yes.

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- Q Than they are in an adult. As we grow and develop, the ridges in the hand grow and develop, too, don't they?
- A Yes.
- Q Now, the palm print that was taken by Mr. Grabowski first came to your attention when?
- A On the 5th of July.
- Q On the 5th of July?
- A Yes, sir.
- Q And at that time was it that you went out to take other palm prints in the neighborhood?
- A About that time was it?
- Q Yes.
- A No, it wasn't, not myself. I didn't go out in the neighborhood at that time.
- Q But somebody did from your department?
- A Shortly after, I understand someone did, yes.
- Q Do you know who it was?
- A Detective Norman Ruble.
- Q Who?
- A Detective Norman Ruble.
- Q He is another fingerprint expert in your department?
- A Yes, sir.
- Q And how many days did he spend, if you know, taking palm prints in the neighborhood?
- A I couldn't say definitely.



Q But he did take quite a number?

A He took some. I don't know exactly who they were. I know the Sheppard family was involved.

Q And then there came a time when you went out?

A Yes, sir.

Q And have you got the date?

A The date that I went out?

Q Yes.

A I originally went out on July 23rd.

Q But did you go out before that?

A No, sir.

Q That was the first time that you entered into the matter of making any investigation, is that correct?

A No. I compared the palm prints that had been turned in to me against the palm prints found at the scene previous to July 23rd.

Q Well, then, other men had been taking palm prints before the 23rd?

A Yes, sir.

Q And do you know if there was anybody else besides Mr. Ruble?

A No, I can't say.

Q And those palm prints that were taken were turned in to your department?

A Yes, sir.

Q Are you the head of the department, Mr. Poelking?

A No, sir.

Q Who is the head of that particular department?

A Sergeant Blaha..

Q And was everything done under the direction of the Sergeant in regard to your work of comparing palm prints, and so forth?

A The Sergeant supervises all my work.

Q Now, then, on the 23rd you went out, that was July 23rd, you went out directly on a mission that was assigned to you?

A Yes, sir.

Q And accompanying you at that time there were a number of other men?

A No. There was two other men.

Q Sergeant O'Hara?

A No, sir. They didn't accompany me out there.

Q Well, were they out there on that day, the 23rd?

A Yes, they were.

Q Will you tell me the names of the officers that were with you on the 23rd, or in the house, from the Cleveland Police Department, on the 23rd?

A Detective Dombrowski, Detective Norman Ruble, Detective O'Hara, Detective Naso and Detective Popovich and Sergeant Lockwood, and a number of others. I don't recall them all.

Q And before you went out, did you have a meeting?

A No, sir.

Q Who was the organizer of this group that went out on that particular day?

A I wouldn't know.

Q Well, you had some knowledge, didn't you --

MR. DANACEAU: We object to  
this. The witness has answered the question.  
There is no need to argue with him.

THE COURT: He says he doesn't  
know.

Q You don't know?

A No, sir.

Q Who did you get your orders from?

A Inspector McArthur.

Q And were the other men there when you received your orders?

A No, they won't.

Q But you met all these officers out at the house?

A I saw them out at the house, that's right.

Q And who was in charge at the house?

A Sergeant Lockwood.

Q This gentleman that is sitting here?

A Yes.

Q And he was there?

A Yes, sir.

Q And then you proceeded to take these fingerprints upstairs?

A Yes, sir.

Q And did you know that there had been a great many people in that bedroom before you went in there on the 23rd?

A I didn't know that to my own knowledge, no.

Q But you did learn it, didn't you?

A I heard rumors.

Q What?

A I heard rumors. I knew an investigation had been conducted.

Q Well, what were you to investigate, you, particularly, what were you investigating out there?

A Well, I was to look for fingerprints, any evidence of value, and to take photographs when necessary.

Q What fingerprints were you looking for?

A I was looking for any fingerprints in the death room.

Q And did you examine the both beds in the death room?

A Yes, I did.

Q And did you find no fingerprints at all except Sam Sheppard's fingerprint?

A I found Sam Sheppard's fingerprint on --

Q On the bed?

A On the one bed, Marilyn's bed.

Q Yes. You told that.

A And none on the other bed.

Q Well, did you find no fingerprint of any kind?

A Yes, I did.

Q What?

A Yes, I did.

Q What else did you find except Sam Sheppard's?

A I found some palm prints that belonged to one of the detectives on the scene.

Q And where was the palm print belonging to the detective on the scene?

A That was on the door leading into the bedroom.

Q On the door leading into the bedroom?

A Yes, sir.

Q Did you find any fingerprints of Mrs. Sheppard?

A No, I did not.

Q Did you have her fingerprint?

A Yes, I did.

Q Did you find any fingerprints of Chip?

A No, I didn't.

Q Well, did you find partial blurred fingerprints of any kind?

A I found some fingerprints, yes. They belonged to the detective, also.

Q They belonged to also the detective?

A Yes, sir.

Q And where were they?

A They were on the same door.

Q On the same door?

A Yes.

Q Whose fingerprints were those?

A Detective Carmen Naso.

Q And was he with you that day?

A He was there that day.

Q Had he been there before?

A I don't know.

Q And what was the palm print that you found, what detective was that?

A Carmen Naso.

Q Did you find any blurred fingerprints?

A No, I didn't.

Q No sign of a fingerprint at all of Mrs. Sheppard or Chip?

A No, sir.

Q Or any of the people that had been in that room?

A No, sir.

Q You did not?

A No, sir.

Q Now, then, did you find any evidence of -- when you talk about fingerprints, did you find any evidence of the pore pattern of anybody in that room?

A No, I didn't.

Q Did you look for it?

A Yes, I did.

Q Did you take photographs?

A Yes, I did.

Q Of the bed?

A Yes, I did.

Q Did you know that Sam Sheppard had been in that room after July 4th?

A No, I didn't.

Q Did anybody tell you that?

A No, sir.

Q Did they tell you that he had been in that room on two occasions, on the 9th and on the 12th?

A No, they didn't.

Q They did not?

A No, sir.

Q You didn't take any fingerprints downstairs?

A No, I didn't.

Q Now, then, you took that fingerprint. Did you take the detective's fingerprint down to the station, the photograph of that?

A Yes, I did.

Q Developed that and found that was the detective's fingerprint?

A Yes.

Q You didn't develop that fingerprint for sometime afterwards, did you?

- A Which fingerprint?
- Q The fingerprint of Sam Sheppard on his wife's bed.
- A Yes, that was developed. That was developed the following day.
- Q Filmed the following day. And is it a fact that you were asked to go out there to see if you could find any bloody fingerprints of Sam Sheppard?
- A No, I wasn't.
- Q What?
- A I wasn't.
- Q But you didn't find any, did you?
- A No, sir.
- Q Now, did you take and did your office take the fingerprints of Mrs. Helms?
- A Yes.
- Q And did you take the fingerprints of these officers at Bay Village, Callahan, Drenkhan, Hubach?
- A Yes, sir.
- Q All the officers out there?
- A Yes, sir.
- Q And they had been in the house?
- A Yes, sir.
- Q And the house had been searched, you know that, don't you?
- A I assume it was.
- Q During the process of your investigation, Mr. Poelking, did



you read the reports that had been made by Mr. Schottke and Mr. Gareau of their first conversation with Dr. Sheppard?

A No, sir.

Q Did you ever see them?

A No, sir.

Q They weren't called to your attention?

A No, sir.

Q What were all these other officers doing while you were around taking the fingerprints -- or examining the door and the bed and the room?

A Conducting an examination there, naturally.

Q Did you know what it was?

A No, sir. I was busy myself.

Q I see. Do you remember, Mr. Poelking, when you were in that room, did you make a measurement of the distance of the top of the mattress from the floor?

A Yes, I did.

Q And what distance was it?

A Two feet.

Q Two feet. Did you stand alongside the bed?

A Yes, I did.

Q And would you stand -- how tall are you?

A Five-ten.

Q Five-ten. Would you stand up a minute, Mr. Poelking?

(Witness complies with request.)

Q Would you show the jury, if you can remember, where the top of the mattress would come on you?

A Just above the knee.

Q Just above the knee. Now, this fingerprint of Sam's that was found on the bed, could you determine when it was placed there?

A No.

Q You could not?

A No, sir.

MR. CORRIGAN: I guess that is  
all, Mr. Poelking. Thank you.

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## REDIRECT EXAMINATION OF JEROME POELKING

By Mr. Parrino:

Q Now, Detective Poelking, referring again to Defense Exhibit UU and State's Exhibit 55. Now, as I look at these two photographs, are these photographs made in the same shade of one another?

MR. GARMONE: Objection, unless  
he knows.

Q As to being light or dark?

MR. GARMONE: All right.

A Well, there could have been a different exposure used on the one print. Developing will make that latent print darker.

Q Now, as to certain ridges that appear on Defense Exhibit UU, do those same ridges appear on State's Exhibit 55 to you as an expert?

A Yes, they do.

Q And referring to State's Exhibit 55, in what area do you find the identifiable ridges that you see in Defendant's Exhibit UU?

A In what area of this print here?

Q Yes.

A Here it is right here.

Q Would you step down, please, and show that to the jury?

Before you show it to the jury and while you are in this position, can you mark off with this pen in Defendant's Exhibit UU --

MR. MAHON:

No. State's

Exhibit --

MR. PARRINO:

On Defendant's

Exhibit UU.

MR. MAHON:

That is marked,

isn't it?

Q -- the area of identifiable ridges that you find in State's Exhibit 55? Can you do that?

A Yes.

Q Mark off the area on here on Defendant's Exhibit UU. What exactly does that represent?

A That is the approximate area.

2 Q Does that represent the approximate area of the identifiable area that is shown on State's Exhibit 55? Is that correct?

A Yes.

Q Now, this State's Exhibit 55, is this a photograph of the entire palm print, as you know it, that was obtained by Grabowski?

A Yes.

Q Now, referring to State's Exhibit 55, can you mark for us the area on State's Exhibit 55 that is an identifiable palm print as shown on Defendant's Exhibit UU? Can you

do that?

A

Yes.

(Witness does as requested.)

MR. PARRINO: All right. Take the  
stand, please.

May I just show this to the jury in a  
general way?

(Mr. Parrino shows exhibits to the jury.)

Q

Now, do you have a picture of that bed poster, sir, that  
you took?

MR. PARRINO: Mark this State's  
Exhibit 57.

(State's Exhibit 57,  
being a photograph, was  
marked for identification.)

Q

Showing you what is marked for identification as State's  
Exhibit No. 57, will you look at that photograph, please,  
and tell the jury, if you recognize it?

A

Yes, I do.

Q

And what does that picture represent?

A

It represents the place on the headboard of the bed where  
I found the left thumb print of Dr. Sam Sheppard.

Q

And by whom was this picture taken?

A

By myself.

Q

When did you take it?

A

July 23.

Q Does that picture accurately represent -- or, withdraw that.

Does this picture fairly represent the appearance of that area as you arrived there on the 23rd of July?

A Yes. There is powder on the bed.

Q And who put that powder on the bed, sir?

A I did.

MR. PARRINO: Now, I want to offer State's Exhibit No. 57.

MR. GARMONE: We have no objection to the introduction of it.

THE COURT: It will be received.

(State's Exhibit 57 was offered and received in evidence.)

Q Now, referring again to this -- you say it was a thumb print on that bed, sir?

A Yes.

Q Was that a thumb print of the left hand or the right hand?

A Left hand.

Q And what was the direction -- withdraw that.

Standing on the east side of that bed, what would be the direction of that palm print or that thumb print, assuming that the bed is here, how would that thumb print be? Like this, up, across, or just how?

A About a 45-degree angle, approximately.

Q Would you step down here, please?

Can you illustrate with this photograph as to the direction of that thumb print in this photograph?

A You mean on the photograph here?

Q Yes.

A Do you want me to put my hand on it?

Q Yes.

A It would be in this manner.

Q Could you step down here, please, and then walk down?

(Witness does as requested.)

MR. GARMONE: What description are you giving now? A description of the position of the print on the headboard? Not the description of any hand, just the print, is that right?

THE WITNESS: The print on the board.

MR. PARRINO: Take the stand.

Q Now, for the purposes of the record, will you describe exactly how you had your -- how you found that thumb print on that bed?

MR. GARMONE: Objection.

Q Because the record could not see how you were holding it, you understand, so the stenographer may have it.

A About a 45-degree angle, approximately.

Q As you would be standing on what side of the bed?

A On the east.

Q On the east side of the bed?

A East side of the bed.

Q And that would be facing the ceiling or downward?

A Downward.

Q Now, did you examine the area to the rear of where you found that thumb print, sir?

A Yes, I did.

Q That would be on the south side of that --

A Yes.

Q What would you call that? The back of the bed?

A I'd call it the back of the headboard.

Q Did you examine the area on the south side of that headboard?

A Yes.

Q What, if anything, did you see?

A There was some partial ridges on the back, fingerprint ridges.

Q Partial ridges, you say?

A That's right.

Q And how many of those partial ridges did you see?

A Oh, it could have been -- you mean the number of ridges, or the --

Q How many partial ridges did you see that would come from how many fingers?



A It looked to me like it might be three fingers.

Q And where exactly were these ridges in relation to the thumb print that you found on the opposite side of that backboard?

A Approximately opposite.

Q Were those identifiable, sir?

A No, they weren't.

MR. PARRINO: I have offered  
that picture, haven't I?

THE COURT: Yes. 57 has been  
received.

MR. PARRINO: You may inquire.

RECROSS EXAMINATION OF JEROME POELKING

By Mr. Corrigan:

Q Mr. Poelking, did you measure the height of this back or this headboard?

A Did I measure the height?

Q Yes.

A I had some notes --

MR. PARRINO: Mr. Corrigan, we  
can't hear you.

Q Well, look at your notes and see if it shows.

MR. PARRINO: I still can't hear you.

MR. CORRIGAN: What is it you say,

gentlemen?

MR. PARRINO:

We can't hear you,

Bill.

Q Look at your notes and see if it shows whether you measured the height of the bedboard.

MR. CORRIGAN:

I am sorry I am

talking so low this morning.

A No, I didn't.

Q You did not?

A No, sir.

Q Well, it wasn't a very high bedboard?

A No, it wasn't.

Q Can you give me an estimate of the height of it now, looking back at it and looking at the picture? Can you give us any idea?

A I would say 18 to 20 inches.

Q And if a person were sleeping in the bed, lying in the bed, of course, and if there was a pillow there on the mattress, that would raise the head up some distance, wouldn't it?

A Yes.

Q Did you ever hear of a man coming into a bedroom at night and kissing his wife goodnight?

MR. DANACEAU:

Objection.

THE COURT:

Objection sustained.

MR. CORRIGAN:

That is all.

MR. PARRINO:

That is all. Thank  
you.

(Witness excused.)

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